

2026 SESSION

INTRODUCED

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1 **SENATE BILL NO. 446**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact §§ 46.2-328.1, 46.2-328.3, and 46.2-345.3 of the Code of Virginia, relating to*
5 *limited-duration licenses, driver privilege cards and permits, and identification privilege cards;*
6 *expiration.*

7 Patrons—McPike, Boysko, Ebbin, Salim and Surovell

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9 Referred to Committee on Transportation

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11 Be it enacted by the General Assembly of Virginia:

12 1. That §§ 46.2-328.1, 46.2-328.3, and 46.2-345.3 of the Code of Virginia are amended and reenacted as
13 follows:

14 **§ 46.2-328.1. Licenses, permits, and special identification cards to be issued only to United States**
15 **citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions;**
16 **renewal, duplication, or reissuance.**

17 A. Notwithstanding any other provision of this title, except as provided in *subsections B and C and*
18 *subsection G of § 46.2-345*, the Department shall not issue an original license, permit, or special
19 *identification card or a REAL ID credential to any* an applicant who has not presented to the Department,
20 with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States,
21 (ii) a legal permanent resident of the United States, (iii) a conditional resident alien of the United States, (iv)
22 an approved applicant for asylum in the United States, (v) an entrant into the United States in refugee status,
23 or (vi) a citizen of the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall
24 Islands, collectively known as the Freely Associated States. *For the purposes of this section, "REAL ID*
25 *credential" means a "Real ID Driver's License or Identification Card" as defined by 6 C.F.R. § 37.3, as*
26 *amended.*

27 B. *Notwithstanding subsection A, the Department may issue an original license, permit, or special*
28 *identification card that is not a REAL ID credential to an applicant who has presented to the Department,*
29 *with the application, valid documentary evidence that a federal court or federal agency having jurisdiction*
30 *over immigration has authorized the applicant to be in the United States. Such a license, permit, or special*
31 *identification card may be renewed only upon presentation of valid documentary evidence that the status by*
32 *which the applicant qualified for the license, permit, or special identification card is still valid. This*
33 *subsection does not apply to commercial driver's licenses or commercial learner's permits provided under*
34 *§ 46.2-341.12.*

35 C. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, ~~an~~
36 ~~applicant who presents in person valid documentary evidence that a federal court or federal agency having~~
37 ~~jurisdiction over immigration has authorized the applicant to be in the United States or~~ an applicant for a
38 ~~REAL ID credential who provides evidence of temporary lawful status in the United States as required~~
39 ~~pursuant to the REAL ID Act of 2005, as amended, and its implementing regulations may be issued a~~
40 ~~limited-duration license, permit, or special identification card REAL ID credential. Such limited-duration~~
41 ~~license, permit, or special identification card REAL ID credential shall be valid only during the period of time~~
42 ~~of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized~~
43 ~~stay a period of one year. No license, permit, or special identification card such REAL ID credential shall be~~
44 ~~issued if an applicant's authorized stay in the United States is less than 30 days from the date of application.~~
45 Any limited-duration license, permit, or special identification card REAL ID credential issued pursuant to this
46 subsection shall clearly indicate that it is valid for a limited period and shall state the date that it expires. Such
47 a limited-duration license, permit, or special identification card REAL ID credential may be renewed only
48 upon presentation of valid documentary evidence that the status by which the applicant qualified for the
49 limited-duration license, permit, or special identification REAL ID credential is still valid or has been
50 extended by a federal court or federal agency having jurisdiction over immigration. An applicant for a
51 commercial driver's license who submits evidence of lawful status as required by 49 C.F.R. § 383.71(f) may
52 be issued a limited-duration license or REAL ID-compliant limited-duration license. An applicant for a
53 commercial learner's permit who submits evidence of lawful status as required by 49 C.F.R. § 383.71(f) may
54 be issued a limited-duration permit not to exceed the validity period authorized in subsection A of
55 § 46.2-341.10.

56 D. Any license, permit, or special identification card for which an application has been made for
57 renewal, duplication, or reissuance shall be presumed to have been issued in accordance with the provisions
58 of subsection A, provided that, at the time the application is made, (i) the license, permit, or special

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59 identification card has not expired or been cancelled, suspended, or revoked or (ii) the license, permit, or
60 special identification card has been canceled or suspended as a result of the applicant having been placed
61 under medical review by the Department pursuant to § 46.2-322. The requirements of subsection A shall
62 apply, however, to a renewal, duplication, or reissuance if the Department is notified by a local, state, or
63 federal government agency that the individual seeking such renewal, duplication, or reissuance is neither a
64 citizen of the United States nor legally in the United States.

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

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

71 **§ 46.2-328.3. Driver privilege cards and permits.**

72 A. Upon application of any person who does not meet the requirements for a driver's license or permit
73 under subsection A or B of § 46.2-328.1, the Department may issue to the applicant a driver privilege card or
74 permit if the Department determines that the applicant (i) has reported income and deductions from Virginia
75 sources, as defined in § 58.1-302, or been claimed as a dependent, on an individual income tax return filed
76 with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements
77 set forth in Article 8 (§ 46.2-705 et seq.) of Chapter 6.

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

81 1. The front of a driver privilege card or permit shall be identical in appearance to a driver's license or
82 permit that is not a *REAL ID* credential ~~and the back of the card or permit shall be identical in appearance to~~
83 ~~the restriction on the back of a limited-duration license, permit, or special identification card as defined in~~
84 ~~§ 46.2-328.1;~~

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

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

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

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

99 6. 5. Any information collected pursuant to this section that is not otherwise collected by the Department
100 or required for the issuance of any other driving credential issued pursuant to the provisions of this chapter
101 and any information regarding restrictions in the Department's records related to the issuance of a credential
102 issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of § 46.2-208,
103 such information shall not be released except upon request by the subject of the information, the parent of a
104 minor who is the subject of the information, the guardian of the subject of the information, or the authorized
105 representative of the subject of the information, or pursuant to a court order.

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

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

119 **§ 46.2-345.3. Issuance of identification privilege cards; fee; confidentiality; penalties.**

120 A. Upon application of any person who does not hold a status that is eligible for a special identification

121 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
 122 the legal guardian of any such person, the Department may issue an identification privilege card to any
 123 resident of the Commonwealth, provided that:

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

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

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

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

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

134 B. The fee for the issuance of an original, duplicate, reissue, or renewal identification privilege card is
 135 \$25, except no such fee shall be assessed against homeless youth, as described in subdivision A 7 of § 22.1-3.
 136 The amount paid by an applicant for an identification privilege card shall be considered privileged
 137 information for the purposes of § 46.2-208.

138 C. *An original Original and renewal identification privilege card cards shall expire on the applicant's*
 139 *fourth birthday following the date of issuance. Duplicate, reissue, or renewal identification privilege cards*
 140 *shall be valid for a period of four years from the date of issuance be valid for the period provided for special*
 141 *identification cards in § 46.2-345. No applicant shall be required to provide proof of compliance with*
 142 *subdivision A 3 for a duplicate, reissue, or renewal identification privilege card. Those cards issued to*
 143 *children under the age of 15 shall expire on the child's sixteenth birthday.*

144 Notwithstanding the provisions of this subsection, the Commissioner may extend the validity period of an
 145 expiring card if (i) the Department is unable to process an application for renewal due to circumstances
 146 beyond its control and (ii) the extension has been authorized under a directive from the Governor. However,
 147 in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

148 D. An identification privilege card issued under this section may be similar in size, shape, and design to a
 149 driving credential and include a photograph of its holder, but the card shall be readily distinguishable from a
 150 driving credential and shall clearly state that it does not authorize the person to whom it is issued to drive a
 151 motor vehicle. Every applicant for an identification privilege card shall appear in person before the
 152 Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to
 153 apply in another manner. The front of an identification privilege card shall be identical in appearance to a
 154 special identification card issued under § 46.2-345, and the back of the card shall be identical in appearance
 155 to the restriction on the back of a limited duration special identification card.

156 E. Identification privilege cards, for persons at least 15 years old but younger than 21 years old, shall be
 157 immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing
 158 characteristics shall include unique design elements of the credential and descriptors within the photograph
 159 area to identify persons who are at least 15 years old but younger than 21 years old. These descriptors shall
 160 include the month, day, and year when the person will become 21 years old.

161 F. Identification privilege cards for persons under age 15 shall bear a full-face photograph. The
 162 identification card issued to persons under age 15 shall be readily distinguishable from a driving credential
 163 and from other identification cards issued by the Department. Such cards shall clearly indicate that it does not
 164 authorize the person to whom it is issued to drive a motor vehicle.

165 G. Any information collected pursuant to this section that is not otherwise collected by the Department or
 166 required for the issuance of any other special identification card issued pursuant to the provisions of this
 167 chapter and any information regarding restrictions in the Department's records related to the issuance of a
 168 credential issued pursuant to this section shall be considered privileged. Notwithstanding the provisions of
 169 § 46.2-208, such information shall not be released except upon request by the subject of the information, the
 170 parent of a minor who is the subject of the information, the guardian of the subject of the information, or the
 171 authorized representative of the subject of the information or pursuant to a court order.

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

179 H. Any person who uses a false or fictitious name or gives a false or fictitious address in any application
 180 for an identification privilege card or knowingly makes a false statement or conceals a material fact or
 181 otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the
 182 name or address is given, or false statement is made, or fact is concealed, or fraud committed, for the purpose

183 of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

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

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

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

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

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