

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

27 fees collected under this section not credited to the special fund created by this subsection shall be  
28 deposited into the general fund of the state treasury.

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

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

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

46 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee;**  
47 **confidentiality; penalties.**

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

- 51 1. Application is made on a form prescribed by the Department and includes the applicant's full  
52 legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants

53 shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's  
54 sex on the application form;

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

57 3. The applicant presents an approved and signed U.S. Department of the Treasury Internal  
58 Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian  
59 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  
63 card 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  
65 at 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 eight  
67 years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring  
68 card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its  
69 control or (ii) the extension has been authorized under a directive from the Governor. However, in no  
70 event shall the validity period be extended more than 90 days per occurrence of such conditions.

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

78 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification  
79 card shall be surrendered for a special identification card without a photograph without the applicant's

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

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

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

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

102 I. The Department shall establish a method by which an applicant for an original, reissued, or  
103 renewed special identification card without a photograph may indicate his blood type. If the applicant  
104 chooses to indicate his blood type, the Department shall make a notation of this designation on his special  
105 identification card without a photograph and in his record. Such notation on the special identification card  
106 without a photograph shall only be used by emergency medical services agencies in providing emergency

107 medical support. Upon written request of the license holder or his legal guardian to have the designation  
108 removed, the Department shall issue the special identification card without a photograph without such  
109 designation upon the payment of applicable fees.

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

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

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