

1 SENATE BILL NO. 151

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Transportation

4 on February 22, 2024)

5 (Patron Prior to Substitute--Senator Suetterlein)

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

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

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

10 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee;**  
11 **confidentiality; penalties.**

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

15 1. Application is made on a form prescribed by the Department and includes the applicant's full  
16 legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants  
17 shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's  
18 sex on the application form;

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

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

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

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

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

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

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

49 F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from  
50 an application for the issuance of a special identification card without a photograph is confidential and  
51 shall not be divulged to any person, association, corporation, or organization, public or private, except to  
52 the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization

53 nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent  
54 the Department from furnishing the application or any information thereon to any law-enforcement  
55 agency.

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

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

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

74 Notwithstanding any other provision of law, the Department shall not disclose any data collected  
75 pursuant to this subsection except to the subject of the information and by designation on the special  
76 identification card without a photograph. Nothing herein shall require the Department to verify any  
77 information provided for the designation. No action taken by any person, whether private citizen or public  
78 officer or employee, with regard to any blood type designation displayed on a special identification card  
79 without a photograph, shall create a warranty of the reliability or accuracy of the document or electronic

**80** image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or  
**81** agency or of any officer, employee, or agent thereof.

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

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