

Driver Licensing And Identification Card Issuance ACTION/ISSUE STATEMENT

POL-4

DMVJ3D

Short Description:

DESIGNATION OF TEMPORARY ON DOCUMENTS WITH EXPIRATION TIED TO EXPIRATION OF AN APPLICANT'S LEGAL PRESENCE

Decision Issue:

How, pursuant to Va. Code § 46.2-328.1, to designate or clearly indicate that a Driver's license (DL), permit or identification card (ID Card) issued to an applicant that has an expiration date tied to the duration of the applicant's authorized presence in the U.S. is "temporary"? (Va. Code §46.2-328.1(B) provides that an applicant whose authorized presence in the U.S. is not permanent, is to be issued a temporary license, permit or special identification card that is valid only during the period of time of the applicant's authorized stay in the U.S. and that any such document is to state the date that it expires and clearly indicate that it is temporary.)

Impact and Challenges:

DMV is concerned that using the same indicator on temporary documents issued pursuant to the requirements of the new legislation that is currently used to identify those temporary DLs issued today may cause confusion. Generally, when temporary documents are issued today, additional information regarding completion of a driver's education course is required from the applicant.

Federal laws/regulations prohibit the issuance of temporary Commercial Driver's Licenses (CDLs). Although "temporary" documents issued pursuant to the new legislation would not meet the federal definition of temporary, to issue a CDL that displays the word "temporary" may create confusion.

It is possible that the individuals who possess the temporary documents issued under this statute will undergo increased scrutiny in certain situations. The challenge in implementing this legislative requirement will be to comply with the legislation without unduly or unfairly impacting affected individuals and without causing undue confusion.

It will be necessary to communicate to law enforcement and other governmental entities how "temporary" will be indicated on DMV-issued documents. Communication efforts will be minimized/enhanced if the manner in which "temporary" is indicated on the document is clear.

It is likely that DMV will incur no costs in implementing this requirement, provided that the means used to indicate the temporary nature of affected documents is reasonable.

DMV Recommended Decision:

DMV recommends, in order to avoid confusion with other documents that are issued on a temporary basis, that "temporary" documents issued pursuant to Va. Code §46.2-328.1(B) bear the heading "Limited Duration" followed by the document title (Driver's license, Identification Card, etc). The temporary documents will bear an expiration date that is tied to the expiration of the applicant's authorized stay in the U.S.

DMV Commissioner's Signature

Date

Panel Recommended Decision:

Panel's Signature

Date

Secretary's Recommended Decision:

Secretary's Signature

Date

Governor's Recommended Decision:

Governor's Signature

Date