

Driver Licensing And Identification Card Issuance ACTION/ISSUE STATEMENT

Short Description:

Grace Period for Expired Documents

Decision Issue:

Va. Code §46.2-328.1 (C) states, in part, that driver's licenses (DLs) that are renewed are presumed to have been issued in accordance with the legal presence requirement ("grandfathered") provided that, at the time of application, the license has not expired. Clearly individuals issued documents prior to January 1, 2004, are grandfathered and are not required to provide proof of legal presence. However, once a document has expired, the grandfathering exemption does not apply.

Based on the new Code Section, should or may DMV continue its practice of granting a one-year grace period to those drivers whose DL has expired for some period of time, and if so, should the grace period apply to the proof of legal presence requirement? (Currently, during the one year grace period, drivers are not required to undergo retesting (knowledge, vision or driving skills) even though their DL has expired.)

Impact and Challenges:

It will be difficult to communicate the rationale to effected individuals that because their DL/IDC expired they must provide proof of legal presence whereas if they had renewed on time proof would not be required. It will also be imperative to communicate in renewal notices that are issued in the very near future that failure to renew by the driver's license expiration date will result in additional requirements during the renewal process.

Traffic in the CSCs is expected to increase. Drivers who did not renew their license prior to expiration and did not receive a renewal notice advising of the new requirement, if renewing in person will be required to make a return visit to a CSC and, if attempting to renew by alternative means, will be denied. Since some drivers will not have an acceptable proof of legal presence document readily available, they will be driving for a period of time unlicensed. This can result in insurance problems, the inability to rent vehicles, possible difficulty in boarding planes and performing other functions requiring identification and citations for driving without a valid license.

If no grace period is granted and the affected drivers are required to return to the CSCs to renew their driver's licenses, it is anticipated that approximately 4-15 new staff positions would be necessary to maintain current customer service levels. However, it is difficult to estimate the fiscal impact on the agency that would arise if the grace period is not granted and applicants are required to visit a CSC to renew their documents. It is not

clear what percentage of the 11% of applicants today that renew after expiration of a document would modify their behavior and renew prior to expiration if they were aware that a new requirement would be imposed if they did not renew by the document's expiration date.

DMV Recommended Decision:

Do not extend a grace period as to the proof of legal presence requirement. (Although the grace period would not apply to the proof of legal presence requirement, DMV could continue to extend a grace period for testing requirements, which will help to reduce the impact on customer service in the CSCs, without compromising the legislative intent.) Based on the language of the legislation, it appears that the drafters intended to treat expired DLs in the same manner as original first-time issuances by requiring that such applicants provide proof of legal presence before obtaining a driver's license.

DMV will include in its driver license renewal notifications information concerning the requirement to appear in person at a DMV CSC and provide proof of legal presence if a license is allowed to expire prior to renewal.

DMV Commissioner's Signature

Date

Panel Recommended Decision:

Do not extend a grace period as to the proof of legal presence requirement. (Although the grace period would not apply to the proof of legal presence requirement, DMV could continue to extend a grace period for testing requirements, which will help to reduce the impact on customer service in the CSCs, without compromising the legislative intent.) Based on the language of the legislation, it appears that the drafters intended to treat expired DLs in the same manner as original first-time issuances by requiring that such applicants provide proof of legal presence before obtaining a driver's license.

DMV is to ensure a notification process for those whose licenses are about to expire. It should include information about the requirement to prove legal presence in person at a DMV CSC.

Panel's Signature

Date

Secretary's Recommended Decision:

Secretary's Signature

Date

Governor's Recommended Decision:

Governor's Signature

Date