

H. B. 2871

(By Delegates Householder, Folk, Kump, J. Nelson,
Gearheart, Canterbury and Frich)

[Introduced March 8, 2013; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §17B-7-1, relating to
providing that West Virginia will not participate in the REAL
ID Act of 2005 enacted by the United States Congress in Public
Law 109-13.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §17B-7-1, to read as
follows:

ARTICLE 7. DIVISION NOT TO PERFORM CERTAIN ACTS.

**§17B-7-1. Legislative finding; prohibiting implementation of REAL
ID Act.**

(1) The Legislature finds that the enactment into law by the
United States Congress of the REAL ID Act of 2005, as part of
Public Law 109-13, is inimical to the security and well-being of

1 the people of West Virginia, will cause unneeded expense and
2 inconvenience to the people of this state and was adopted by the
3 United States Congress in violation of the principles of federalism
4 contained in the Tenth Amendment to the United States Constitution.

5 (2) The State of West Virginia will not participate in the
6 mandatory implementation of the REAL ID Act of 2005 insofar as it
7 requires the establishment of national standards for state-issued
8 driver's licenses and nondriver identification cards. The
9 Department of Transportation, including the Division of Motor
10 Vehicles, is directed to cease mandatory implementation of the
11 provisions of the REAL ID Act of 2005 insofar as it requires the
12 establishment of national standards for state-issued driver's
13 licenses and nondriver identification cards and to report to the
14 Governor any attempt by agencies or agents of the United States
15 Department of Homeland Security to secure the implementation of
16 that portion of the REAL ID Act of 2005 through the operations of
17 that division. Citizens may obtain a REAL ID Act state-issued
18 driver's license or nondriver identification cards from the
19 Division of Motor Vehicles, only if they so desire.

NOTE: The purpose of this bill is to provide that West Virginia will not participate in the "REAL ID Act of 2005" enacted by the United States Congress in Public Law 109-13.

This article is new; therefore, it has been completely underscored.