

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**H. B. 2219**

(By Delegates Householder, Moffatt, Folk, Frich, Ihle, Hill,  
Statler, Butler, Gearheart, McGeehan and Sobonya)

[Introduced January 22, 2015; 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 prohibiting West Virginia from participating 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.**

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

(b) The State of West Virginia shall not participate in the mandatory implementation of the

1 REAL ID Act of 2005 insofar as it requires the establishment of national standards for state-issued  
2 driver's licenses and nondriver identification cards. The Department of Transportation, including  
3 the Division of Motor Vehicles, is directed to cease mandatory implementation of the provisions of  
4 the REAL ID Act of 2005 insofar as it requires the establishment of national standards for  
5 state-issued driver's licenses and nondriver identification cards and to report to the Governor any  
6 attempt by agencies or agents of the United States Department of Homeland Security to secure the  
7 implementation of that portion of the REAL ID Act of 2005 through the operations of that division.  
8 Citizens may obtain a REAL ID Act state-issued driver's license or nondriver identification cards  
9 from the 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.