

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5423

FISCAL
NOTE

By Delegates Funkhouser, Butler, Martin, Mallow,

Marple, Phillips, and Maynor

[Introduced February 10, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-34, §17B-2-1, and §17B-2-3 of the Code of West Virginia,
 2 1931, as amended, relating to removing certain forms of identification as valid for voting
 3 purposes; requiring a special color driver's license for a documented non-citizen of the
 4 United States; providing that West Virginia will not recognize out-of-state driver's licenses
 5 issued to illegal aliens; and providing to whom a driver's license may be issued.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-34. Voting procedures generally; identification; assistance to voters; voting records; penalties.

1 (a) A person desiring to vote in an election shall, upon entering the election room, clearly
 2 state his or her name and residence to one of the poll clerks who shall thereupon announce the
 3 person's name and residence in a clear and distinct tone of voice. The person desiring to vote shall
 4 present to one of the poll clerks a valid identifying document meeting the requirements of §3-1-
 5 34(a)(1) or §3-1-34(a)(2) of this code, and the poll clerk shall inspect and confirm that the name on
 6 the valid identifying document conforms to the name in the individual's voter registration record
 7 and that, if the valid identifying document contains a photograph, the image displayed is truly an
 8 image of the person presenting the document. If that person is found to be duly registered as a
 9 voter at that precinct, he or she shall sign his or her name in the designated location provided at
 10 the precinct. If that person is physically or otherwise unable to sign his or her name, his or her mark
 11 shall be affixed by one of the poll clerks in the presence of the other and the name of the poll clerk
 12 affixing the voter's mark shall be indicated immediately under the affixation. A ballot may not be
 13 given to the person until he or she signs his or her name on the designated location or his or her
 14 signature is affixed thereon.

15 (1) A document is a valid identifying document if it:

16 (A) Has been issued either by the State of West Virginia, one of its political subdivisions or
17 instrumentalities, or by the United States Government;

18 (B) Contains the name of the person desiring to vote; and

19 (C) Contains a photograph of the person desiring to vote: *Provided*, That a driver's license
20 or identification card issued in accordance with §17B-2-1(f)(4) of this code that does not contain a
21 photograph of the person desiring to vote is a valid identifying document.

22 (2) Notwithstanding the provisions of §3-1-34(a)(1) of this code, the following documents, if
23 they contain the voter's name, shall be considered valid identifying documents, and a person
24 desiring to vote may produce any of the following:

25 (A) A valid West Virginia driver's license or valid West Virginia identification card issued by
26 the West Virginia Division of Motor Vehicles, including a driver's license or identification card
27 issued in accordance with §17B-2-1(f)(4) of this code.

28 ~~(B) A valid driver's license issued by a state other than the State of West Virginia~~

29 ~~(C)~~ (B) A valid United States passport or passport card;

30 ~~(D)~~ (C) A valid employee identification card with a photograph of the eligible voter issued
31 by any branch, department, agency, or entity of the United States Government or of the State of
32 West Virginia, or by any county, municipality, board, authority, or other political subdivision of West
33 Virginia;

34 ~~(E) A valid student identification card with a photograph of the eligible voter issued by an~~
35 ~~institution of higher education in West Virginia, or a valid high school identification card issued by a~~
36 ~~West Virginia high school~~

37 (F) (D) A valid military identification card issued by the United States with a photograph of
38 the person desiring to vote; or

39 ~~(G)~~ (E) A valid voter registration card that includes the voter's photograph issued by a
40 county clerk in the State of West Virginia or the Secretary of State. The county clerk or the
41 Secretary of State may not charge or collect a fee for the application or issuance of a voter

42 registration card that includes the voter’s photograph.

43 (3) Any expired document identified in §3-1-34(a)(2) of this code is a valid identifying
44 document if presented by a registered voter 65 years of age or older: *Provided*, That the identifying
45 document was not expired on the registered voter’s 65th birthday.

46 (4) In lieu of providing a valid identifying document, as required by this section, a registered
47 voter may be accompanied at the polling place by an adult known to the registered voter for at
48 least six months. That adult may sign an affidavit on a form provided to clerks and poll workers by
49 the Secretary of State, which states under oath or affirmation that the adult has known the
50 registered voter for at least six months, and that in fact the registered voter is the same person who
51 is present for the purpose of voting. For the affidavit to be considered valid, the adult shall present
52 a valid identifying document with his or her name, address, and photograph.

53 (5) A poll worker may allow a voter, whom the poll worker has known for at least six
54 months, to vote without presenting a valid identifying document.

55 (6) If the person desiring to vote is unable to furnish a valid identifying document, or if the
56 poll clerk determines that the proof of identification presented by the voter does not qualify as a
57 valid identifying document, the person desiring to vote shall be permitted to cast a provisional
58 ballot after executing an affidavit affirming his or her identity pursuant to §3-1-34(a)(6)(B) of this
59 code.

60 (A) The provisional ballot may be counted once the election authority verifies the identity of
61 the individual by comparing that individual's signature to the current signature on file with the
62 election authority and determines that the individual was otherwise eligible to cast a ballot at the
63 polling place where the ballot was cast.

64 (B) The affidavit to be used for voting shall be substantially in the following form:

65 "State of West Virginia
66 County of.....

67 I do solemnly swear (or affirm) that my name is; that I

68 reside at.....; and that I am the person listed in the precinct register under this name
69 and at this address.

70 I understand that knowingly providing false information is a violation of law and subjects
71 me to possible criminal prosecution.

72

73 Signature of voter

74 Subscribed and affirmed before me this..... day of, 20....

75

76 Name of Election Official

77

78 Signature of Election Official".

79 (7) A voter who votes in person at a precinct polling place that is located in a building which
80 is part of a state licensed care facility where the voter is a resident is not required to provide proof
81 of identification as a condition before voting in an election.

82 (8) The person entering voter information into the centralized voter registration database
83 shall cause the records to indicate when a voter has not presented a valid identifying document
84 and has executed a voter identity affidavit.

85 (9) If a voter participating in the Address Confidentiality Program established by §48-28A-
86 103 of this code, executes a voter identity affidavit, the program participant's residential or mailing
87 address is subject to the confidentiality provisions of §48-28A-108 of this code and shall be used
88 only for those statutory and administrative purposes authorized by this section.

89 (10) The Secretary of State shall educate voters about the requirement to present a valid
90 identifying document and develop a program to help ensure that all eligible voters are able to
91 obtain a valid identifying document.

92 (b) The clerk of the county commission may, upon verification that the precinct at which a
93 handicapped person is registered to vote is not handicap accessible, transfer that person's

94 registration to the nearest polling place in the county which is handicap accessible. A request by a
95 handicapped person for a transfer of registration must be received by the county clerk no later than
96 30 days prior to the date of the election. A handicapped person who has not made a request for a
97 transfer of registration at least 30 days prior to the date of the election may vote a provisional ballot
98 at a handicap accessible polling place in the county of his or her registration. If during the canvass
99 the county commission determines that the person had been registered in a precinct that is not
100 handicap accessible, the voted ballot, if otherwise valid, shall be counted. The handicapped
101 person may vote in the precinct to which the registration was transferred only as long as the
102 disability exists or the precinct from which the handicapped person was transferred remains
103 inaccessible to the handicapped. To ensure confidentiality of the transferred ballot, the county
104 clerk processing the ballot shall provide the voter with an unmarked envelope and an outer
105 envelope designated "provisional ballot/handicapped voter". After validation of the ballot at the
106 canvass, the outer envelope shall be destroyed and the handicapped voter's ballot shall be placed
107 with other approved provisional ballots prior to removal of the ballot from the unmarked envelope.

108 (c) When the voter's signature is properly marked and the voter has presented a valid
109 identifying document, the two poll clerks shall sign their names in the places indicated on the back
110 of the official ballot and deliver the ballot to the voter to be voted by him or her without leaving the
111 election room. If he or she returns the ballot spoiled to the clerks, they shall immediately mark the
112 ballot "spoiled" and it shall be preserved and placed in a spoiled ballot envelope together with
113 other spoiled ballots to be delivered to the board of canvassers and deliver to the voter another
114 official ballot, signed by the clerks on the reverse side. The voter shall then retire alone to the booth
115 or compartment prepared within the election room for voting purposes and there prepare his or her
116 ballot. In voting for candidates in general and special elections, the voter shall comply with the
117 rules and procedures prescribed in §3-6-5 of this code.

118 (d) A poll clerk shall, in the presence of the other poll clerk, indicate by a check mark, or by
119 other means, inserted in the appropriate place on the registration record of each voter the fact that

120 the voter voted in the election. In primary elections the clerk shall also insert on the registration
121 record of each voter a distinguishing initial or initials of the political party for whose candidates the
122 voter voted. If a person is challenged at the polls, the challenge shall be indicated by the poll clerks
123 on the registration record, together with the name of the challenger. The subsequent removal of
124 the challenge shall be recorded on the registration record by the clerk of the county commission.

125 (e) (1) A voter may not receive any assistance in voting unless, by reason of blindness,
126 disability, advanced age, or inability to read and write, that voter is unable to vote without
127 assistance. Any voter qualified to receive assistance in voting may:

128 (A) Declare his or her choice of candidates to an Election Commissioner of each political
129 party who, in the presence of the voter and in the presence of each other, shall prepare the ballot
130 for voting in the manner provided in this section and, on request, shall read to the voter the names
131 of the candidates selected on the ballot;

132 (B) Require the Election Commissioners to indicate to him or her the relative position of the
133 names of the candidates on the ballot. The voter shall then retire to one of the booths or
134 compartments to prepare his or her ballot in the manner provided in this section;

135 (C) Be assisted by any person of the voter's choice, other than the voter's present or former
136 employer or agent of that employer, the officer or agent of a labor union of which the voter is a past
137 or present member or a candidate on the ballot or an official write-in candidate; or

138 (D) If he or she is handicapped, vote from an automobile outside the polling place or
139 precinct by the absentee balloting method provided in §3-3-5(e) of this code in the presence of an
140 Election Commissioner of each political party if all of the following conditions are met:

141 (i) The polling place is not handicap accessible; and

142 (ii) Voters are not voting or waiting to vote inside the polling place.

143 (2) The voted ballot shall then be returned to the precinct officials and secured in a sealed
144 envelope to be returned to the clerk of the county commission with all other election materials. The
145 ballot shall then be tabulated using the appropriate method provided in §3-1-8 of this code as it

146 relates to the specific voting system in use.

147 (3) A voter who requests assistance in voting but who is believed not to be qualified for
148 assistance under the provisions of this section shall be permitted to vote a provisional ballot with
149 the assistance of any person authorized in this section to render assistance.

150 (4) One or more of the Election Commissioners or poll clerks in the precinct may challenge
151 the ballot on the ground that the voter received assistance in voting if when in his, her or their
152 opinion the person who received assistance in voting is not so illiterate, blind, disabled or of such
153 advanced age as to have been unable to vote without assistance. The Election Commissioner or
154 poll clerk or commissioners or poll clerks making the challenge shall enter the challenge and the
155 reason for such challenge on the form and in the manner prescribed or authorized by §3-3-1 *et*
156 *seq.* of this code.

157 (5) An Election Commissioner or other person who assists a voter in voting:

158 (A) May not in any manner request or seek to persuade or induce the voter to vote a
159 particular ticket or for a particular candidate or for or against any public question and shall not keep
160 or make any memorandum or entry of anything occurring within the voting booth or compartment
161 and shall not, directly or indirectly, reveal to any person the name of a candidate voted for by the
162 voter, which ticket he or she had voted, how he or she had voted on any public question, or
163 anything occurring within the voting booth, compartment, or voting machine booth except when
164 required by law to give testimony as to the matter in a judicial proceeding; and

165 (B) Shall sign a written oath or affirmation before assisting the voter on a form prescribed
166 by the Secretary of State stating that he or she will not override the actual preference of the voter
167 being assisted, attempt to influence the voter's choice, or mislead the voter into voting for
168 someone other than the candidate of voter's choice. The person assisting the voter shall also
169 swear or affirm that he or she believes that the voter is voting free of intimidation or manipulation.
170 There is no requirement that a person providing assistance to a voter is required to sign an oath or
171 affirmation where the reason for requesting assistance is the voter's inability to vote without

172 assistance because of blindness as defined in §5-15-3 of this code and the inability to vote without
173 assistance because of blindness is certified in writing by a physician of the voter's choice and is on
174 file in the office of the clerk of the county commission.

175 (6) In accordance with instructions issued by the Secretary of State, the clerk of the county
176 commission shall provide a form entitled "list of assisted voters", on a form as prescribed by the
177 Secretary of State. The commissioners shall enter the name of each voter receiving assistance in
178 voting the ballot, together with the poll slip number of that voter and the signature of the person or
179 the commissioner from each party who assisted the voter. If no voter has been assisted in voting,
180 the commissioners shall make and subscribe to an oath of that fact on the list.

181 (f) After preparing the ballot, the voter shall fold the ballot so that the face is not exposed
182 and the names of the poll clerks on it are seen. The voter shall announce his or her name and
183 present his or her ballot to one of the commissioners who shall hand the ballot to another
184 commissioner, of a different political party, who shall deposit it in the ballot box if the ballot is the
185 official one and properly signed. The Commissioner of Election may inspect every ballot before it is
186 deposited in the ballot box to ascertain whether it is single, but without unfolding or unrolling it so
187 as to disclose its content. When the voter has voted, he or she shall retire immediately from the
188 election room and beyond the 60-foot limit and not return except by permission of the
189 commissioners.

190 (g) Following the election, the oaths or affirmations required by this section from those
191 assisting voters, together with the "list of assisted voters", shall be returned by the Election
192 Commissioners to the clerk of the county commission along with the election supplies, records,
193 and returns. The clerk of the county commission shall make the oaths, affirmations, and list
194 available for public inspection and preserve them for a period of 22 months or until disposition is
195 authorized or directed by the Secretary of State or court of record. The clerk may use these
196 records to update the voter registration records in accordance with §3-2-18(d) of this code.

197 (h) Any person making an oath or affirmation required under the provisions of this section

198 who knowingly swears falsely or any person who counsels, advises, aids, or abets another in the
199 commission of false swearing under this section, is guilty of a misdemeanor and, upon conviction
200 thereof, shall be fined not more than \$1,000 or confined in jail for a period of not more than one
201 year, or both fined and confined.

202 (i) Any Election Commissioner or poll clerk who authorizes or provides unchallenged
203 assistance to a voter when the voter is known to the Election Commissioner or poll clerk not to
204 require assistance in voting, is guilty of a felony and, upon conviction thereof, shall be fined not
205 more than \$5,000 or imprisoned in a state correctional facility for a period of not less than one year
206 nor more than five years, or both fined and imprisoned.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-1. Drivers must be licensed; types of licenses; licensees need not obtain local government license; motorcycle driver license; identification cards.

1 (a) (1) No person, except those hereinafter expressly exempted, may drive a motor vehicle
2 upon a street or highway in this state or upon a subdivision street used by the public generally
3 unless the person has a valid driver's license issued pursuant to this code for the type or class of
4 vehicle being driven.

5 (2) Any person licensed to operate a motor vehicle pursuant to this code may exercise the
6 privilege thereby granted in the manner provided in this code and, except as otherwise provided by
7 law, is not required to obtain any other license to exercise the privilege by a county, municipality, or
8 local board or body having authority to adopt local police regulations.

9 (b) The division, upon issuing a driver's license, shall indicate on the license the type or
10 general class or classes of vehicles the licensee may operate in accordance with this code, federal
11 law, or rule. Licenses shall be issued in different colors for those drivers under age 18, those
12 drivers age 18 to 21, ~~and~~ adult drivers, and documented non-citizens of the United States. The

13 commissioner is authorized to select and assign colors to the licenses of the various age groups.

14 (c) The following drivers' licenses classifications are hereby established:

15 (1) A Class A, B, or C license shall be issued to those persons 18 years of age or older with
16 two years of driving experience who have qualified for the commercial driver's license established
17 by Chapter 17E of this code and the federal Motor Carrier Safety and Improvement Act of 1999
18 subsequent rules, and have paid the required fee.

19 (2) A Class D license shall be issued to those persons 18 years and older with one year of
20 driving experience who operate motor vehicles other than those types of vehicles which require
21 the operator to be licensed under the provisions of Chapter 17E of this code and federal law and
22 rule and whose primary function or employment is the transportation of persons or property for
23 compensation or wages and have paid the required fee. For the purpose of regulating the
24 operation of motor vehicles, wherever the term "chauffeur's license" is used in this code, it means
25 the Class A, B, C, or D license described in this section or Chapter 17E of this code or federal law
26 or rule: Provided, That anyone not required to be licensed under the provisions of Chapter 17E of
27 this code and federal law or rule and who operates a motor vehicle registered or required to be
28 registered as a Class A motor vehicle, as that term is defined in §17A-10-1 of this code, with a
29 gross vehicle weight rating of less than 8,001 pounds, is not required to obtain a Class D license.

30 (3) A Class E license shall be issued to persons who have qualified for a driver's license
31 under the provisions of this chapter and who are not required to obtain a Class A, B, C, or D license
32 and who have paid the required fee. The Class E license may be endorsed under §17B-2-7b of
33 this code for motorcycle operation. The Class E or G license for a person under the age of 18 may
34 also be endorsed with the appropriate graduated driver license level in accordance with §17B-2-
35 3a of this code.

36 (4) A Class F license shall be issued to those persons who successfully complete the
37 motorcycle examination procedure provided by this chapter and have paid the required fee but
38 who do not possess a Class A, B, C, D, or E driver's license.

39 (5) A Class G driver's license or instruction permit shall be issued to a person using bioptic
40 telescopic lenses who has successfully completed an approved driver training program and
41 complied with all other requirements of §17B-2B-1 *et seq.* of this code.

42 (d) All licenses issued under this section may contain information designating the licensee
43 as a diabetic, an organ donor, deaf or hard-of-hearing, as having any other handicap or disability,
44 or that the licensee is an honorably discharged veteran of any branch of the Armed Forces of the
45 United States, according to criteria established by the division, if the licensee requests this
46 information on the license. An honorably discharged veteran may be issued a replacement license
47 without charge if the request is made before the expiration date of the current license and the only
48 purpose for receiving the replacement license is to get the veterans designation placed on the
49 license.

50 (e) No person, except those hereinafter expressly exempted, may drive a motorcycle on a
51 street or highway in this state or on a subdivision street used by the public generally unless the
52 person has a valid motorcycle license, a valid license which has been endorsed under §17A-2-17b
53 of this code for motorcycle operation, or a valid motorcycle instruction permit.

54 (f) (1) An identification card may be issued to a person who:

55 (A) Is a resident of this state in accordance with §17A-3-1a of this code;

56 (B) Has reached the age of two years or, for good cause shown, under the age of two;

57 (C) Has paid the required fee of \$5 per year. The Division of Motor Vehicles may adjust this
58 fee every five years on September 1, based on the U.S. Department of Labor, Bureau of Labor
59 Statistics most current Consumer Price Index: *Provided*, That an increase in such fee may not
60 exceed 10 percent of the total fee amount in a single year: *Provided, however*, That no fees or
61 charges, including renewal fees, are required if the applicant:

62 (i) Is 65 years or older;

63 (ii) Is legally blind; or

64 (iii) Will be at least 18 years of age at the next general, municipal, or special election and

65 intends to use this identification card as a form of identification for voting; and

66 (D) Presents a birth certificate or other proof of age and identity acceptable to the division
67 with a completed application on a form supplied by the division.

68 (2) The identification card shall contain the same information as a driver's license except
69 that the identification card shall be clearly marked as an identification card. The division may issue
70 an identification card with less information to persons under the age of 16. The division may issue
71 an identification card without a photograph pursuant to subdivision (4) of this subsection. An
72 identification card may be renewed annually on application and payment of the fee required by this
73 section.

74 (A) Every identification card issued to a person who has attained his or her 21st birthday
75 expires on the licensee's birthday in those years in which the licensee's age is evenly divisible by
76 five. Except as provided in paragraph (B) of this subdivision, no identification card may be issued
77 for less than three years or for more than seven years and expires on the licensee's birthday in
78 those years in which the licensee's age is evenly divisible by five.

79 (B) Every identification card issued to a person who has not attained his or her 21st
80 birthday expires 30 days after the licensee's 21st birthday.

81 (C) Every identification card issued to persons under the age of 16 shall be issued for a
82 period of two years and expire on the last day of the month in which the applicant's birthday
83 occurs.

84 (3) The division may issue an identification card to an applicant whose privilege to operate
85 a motor vehicle has been refused, canceled, suspended, or revoked under the provisions of this
86 code.

87 (4) Notwithstanding the provisions of this article to the contrary, the division may issue an
88 identification card without a photograph to an applicant who under oath or affirmation affirms,
89 subject to the laws of perjury and on a form supplied by the division, that the applicant is a member
90 of a recognized religious sect that has established tenets and teachings due to which the applicant

91 is conscientiously opposed to posing for a photograph. The form supplied by the division pursuant
92 to this subdivision shall advise the applicant that an identification card without a photograph may
93 not be acceptable for all identification purposes.

94 (g) For any person over the age of 50 years who wishes to obtain a driver's license or
95 identification card under the provisions of this section:

96 (1) A raised seal or stamp on the birth certificate or certified copy of the birth certificate is
97 not required if the issuing jurisdiction does not require one; and

98 (2) If documents are lacking to prove all changes of name in the history of any such
99 applicant, applicants renewing a driver's license or identification card under the provisions of this
100 section may complete a Name Variance Approval Document as instituted by the division, so long
101 as they can provide:

102 (A) Proof of identity;

103 (B) Proof of residency; and

104 (C) A valid Social Security number.

105 (3) The division may waive any documents necessary to prove a match between names,
106 so long as the division determines the person is not attempting to:

107 (A) Change his or her identity;

108 (B) Assume another person's identity; or

109 (C) Commit fraud.

110 (h) A person over the age of 70 years, or who is on Social Security Disability, who wishes to
111 obtain or renew a driver's license or identification card under the provisions of this section, may not
112 be required to supply a copy of a birth certificate if they can provide:

113 (1) Proof of identity;

114 (2) Proof of residency;

115 (3) A valid Social Security number; and

116 (4) One of the following identifying items:

117 (A) A form of military identification, including a DD214 or equivalent;
118 (B) A U.S. passport, whether valid or expired;
119 (C) School records, including a yearbook;
120 (D) A religious document, that in the judgment of the division is sufficient and authentic to
121 reflect that the person was born in the United States; or

122 (E) An expired driver's license, employment identification card, or other reliable
123 identification card with a recognizable photograph of the person.

124 (i) Any person violating the provisions of this section is guilty of a misdemeanor and, upon
125 conviction thereof, shall be fined not more than \$500 and, upon a second or subsequent
126 conviction, shall be fined not more than \$500 or confined in jail not more than six months, or both
127 fined and confined.

128 (j) For the purposes of this article, an out-of-state license issued to a person without legal
129 immigration status in the United States is not considered a valid driver's license. Anyone caught
130 operating a vehicle in this state with such a license is violating this section.

§17B-2-3. What persons may not be licensed; exceptions.

1 (a) The division may not issue any license hereunder:

2 (1) To any person who is under the age of eighteen years: *Provided*, That the division may
3 issue a junior driver's license on or after January 1, 2001, a graduated driver's license, to a person
4 under the age of eighteen years in accordance with the provisions of section three-a of this article;

5 (2) To any person, as a Class A, B, C or D driver, who is under the age of eighteen years;

6 (3) To any person, whose license has been suspended or revoked, during the suspension
7 or revocation;

8 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

9 (5) To any person, who has previously been adjudged to be afflicted with or suffering from
10 any mental disability or disease and who has not at the time of application been restored to
11 competency by judicial decree or released from a hospital for the mentally incompetent upon the

12 certificate of the superintendent of the institution that the person is competent, and not then unless
13 the commissioner is satisfied that the person is competent to operate a motor vehicle with a
14 sufficient degree of care for the safety of persons or property;

15 (6) To any person who is required by this chapter to take an examination, unless the person
16 has successfully passed the examination;

17 (7) To any person when the commissioner has good cause to believe that the operation of
18 a motor vehicle on the highways by the person would be inimical to public safety or welfare.

19 (8) To any person who is not a citizen of the United States, a lawful permanent resident a
20 conditional permanent resident, or a valid visa holder: *Provided*, That a license issued to a lawful
21 permanent resident, a conditional permanent resident, or a visa holder expires on or before the
22 date the person's status to legally reside in the United States expires.

23 (b) The division may not issue a license or nondriver identification card to any person
24 required to register as a sexually violent predator pursuant to the provisions of article twelve,
25 chapter fifteen, unless he or she obtains a driver's license or nondriver identification card coded by
26 the commissioner to denote that he or she is a sexually violent predator as follows:

27 (1) If a person is judicially determined to be a sexually violent predator after the effective
28 date of this section, the sentencing court shall order the person or the agency with custody of the
29 person's driver's license or nondriver identification card to surrender said license or card to the
30 court. The sentencing court shall forward to the division all driver's licenses or nondriver
31 identification cards that it receives pursuant to this section, along with a copy of the sentencing
32 order. If a person is registered as a sexually violent predator pursuant to section nine, article
33 twelve, chapter fifteen of this code after the effective date of this section as amended and
34 reenacted during the first extraordinary session of the 2006 Legislature, the person shall surrender
35 their driver's license or nondriver identification card to the division within ten days of their
36 registration with the State Police. Any replacement driver's license or nondriver identification card
37 issued to the person under this section must be coded by the commissioner to denote the person

38 is a sexually violent predator and shall be issued at no cost to the person.

39 (2) Within ten business days of the effective date of the amendments to this section made
40 during the first extraordinary session of the 2006 Legislature, the State Police shall provide the
41 division with the name, address and motor vehicle information of every person registered as a
42 sexually violent predator in the state at that time and also provide notice to said registrants of the
43 requirements set forth in said amendments. If a person is registered as a sexually violent predator
44 prior to the effective date of this section, as amended and reenacted during the first extraordinary
45 session of the 2006 Legislature, he or she shall surrender his or her driver's license or nondriver
46 identification card to the division within ten business days of his or her receipt of the notice from the
47 State Police required by said amendments. Any replacement driver's license or nondriver
48 identification card issued to the person under this section must be coded by the commissioner to
49 denote the person is a sexually violent predator and shall be issued at no cost to the person.

50 (c) Upon receipt of a driver's license or nondriver identification card from a sentencing
51 court or individual pursuant to subsection (b) of this section, the division shall cancel said license
52 or card and note the cancellation in its records system so as to prevent the issuance of a
53 replacement or duplicate license or card lacking the coded notation required by subsection (b) of
54 this section.

55 (d) Upon showing proof that a person is no longer required to register as a sexually violent
56 predator, the division shall, at no charge, issue a driver's license or nondriver identification card
57 without the coded notation printed upon the license. No person issued a driver's license or
58 nondriver identification card pursuant to the amendments to this section made during the first
59 extraordinary session of the 2006 Legislature, may alter or deface the license or card to obscure
60 the special marking identifying the holder as a sexually violent predator.

61 (e) Any person failing to comply with the provisions of subsections (b), (c) or (d) is guilty of
62 a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500
63 or confined in jail not more than one year, or both fined and imprisoned.

NOTE: The purpose of this bill is to ensure that undocumented immigrants do not vote or operate a motor vehicle in the state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.