

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5551

FISCAL
NOTE

By Delegates Kimble, Anders, T. Howell, Mazzocchi,

Ridenour, B. Ward, Horst, Phillips, and White

[Introduced February 16, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §17B-2C-1, relating to identification cards; providing a short title; providing a
 3 purpose; establishing directives to protect licenses and identification cards; authorizing
 4 rule making; providing severability; and providing an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2C. PROTECTING STATE LICENSING ACT.

§17B-2C-1. Protection of state issued non-REAL ID licenses and identification cards.

1 (a) Short title. – This act shall be known and cited as the "Protecting State Licensing Act".

2 (b) Purpose. – The purpose of this act is to safeguard state sovereignty and the citizens of
 3 the state by protecting non-REAL ID compliant licenses and identification cards. The act prohibits
 4 the storage and sharing of sensitive personal and identifiable data as well as the capture of
 5 biometric photographs. The Act further protects against federal changes to the REAL ID program.

6 (c) Protection of Non-REAL ID driver licenses and photo identification licenses. –

7 (1) The department shall continue to offer and make available a driver license or photo
 8 identification license that is not compliant with the federal REAL IQ Act of 2005 PL 109-13. and
 9 any subsequent amendments thereto. Such licenses shall be clearly marked as "NOT FOR REAL
 10 ID ACT PURPOSES' and shall be valid for all purposes under West Virginia law, including
 11 operation of a motor vehicle and proof of identity.

12 (2) The department and its agents are prohibited from collecting, capturing, storing, or
 13 using any biometric identifiers in connection with the issuance of a non-REAL ID compliant drivers
 14 license or photo identification license. This includes, but is not limited to, biometric facial image
 15 data consistent with the REAL ID Act's implementing regulation requiring compliance with
 16 ISO/IEC information data interchange formats, face image data or any successor standard.
 17 biometric identifiers, facial recognition data, iris scans, fingerprints, voiceprints, or any measurable
 18 biological or behavioral characteristic used for recognition of an individual.

19 (3) The department shall not retain copies of original or secondary source documents used

20 to verify identity when issuing a non-REAL ID-compliant driver license or photo identification
21 license. Such documents include, but are not limited to, birth certificates, social security cards,
22 utility bills, financial statements, tax records, or other documents that may be used to prove
23 residency, legal presence, or identity.

24 (4) Except for any valid purposes related to the National Law Enforcement
25 Telecommunications System, any information collected from an individual who obtains a non-
26 REAL ID-compliant driver license or photo identification license shall not be accessible to, shared
27 with, or stored in any interstate, federal, or international database system including out net limited
28 to the State Pointer Exchange Service.

29 (5) Nothing in this act shall be construed to prohibit the department from issuing REAL ID-
30 compliant driver licenses or photo identification licenses to individuals who voluntarily request
31 them and meet the applicable federal requirements, nor to restrict an eligible individual from
32 applying for a non-REAL ID-compliant license if they previously obtained a REAL ID-compliant
33 license.

34 (6) The division shall ensure that all individuals applying for a driver's license or photo
35 identification license are informed verbally and in writing of their right to choose between a REAL
36 ID-compliant license and a non-REAL ID-compliant license. Any sign, display, brochure, electronic
37 interface, or public communication that describes or promotes the REAL ID program must clearly
38 state that participation in the REAL ID program is voluntary and that non-REAL ID-compliant driver
39 licenses and photo identification licenses are available as an alternative. All applicants must be
40 given a copy of the complete list of current TSA acceptable IDs.

41 (7) The division shall propose rules for legislative approval in accordance with the
42 provisions of §29A-3-1 et seq. of this code to implement the provisions of this article and shall
43 provide annual training to department staff regarding its provisions. A willful violation of this article
44 by any agent or employee of the division shall be subject to disciplinary action under departmental
45 policy, including potential termination for repeated or willful noncompliance.

46 (8) The division is prohibited from entering into any agreement or memorandum of
47 understanding that would conflict with the rights and protections set forth in this act.

48 (9) No state entity may require the use of a digital driver's license or digital ID for any
49 purpose. A physical driver's license or identification card must be accepted for all identification
50 purposes in this state.

51 (d) Severability. – If any provision of this act or the application thereof to any person or
52 circumstance is held invalid, such invalidity shall not affect other provisions or application of the act
53 which can be given effect without the invalid provision or application. and to that end the provisions
54 of this act are declared to be severable.

55 (e) Prohibition on future changes. – If the federal REAL ID Act. Public Law 109-13 Division
56 B is repealed, or if the definition of "official purpose" in Code of Federal Regulations title 6 part 37
57 is changed, or if federal law or rules are changed to prohibit state issuance of non-compliant
58 licenses or identification then the division and any other relevant state agencies must immediately
59 rescind all compliance measures with the REAL ID program and cease from issuing REAL ID
60 compliant licenses.

61 (f) Effective date. – This act takes effect July 1, 2026. The division shall comply with
62 subsection (c)(2) no later than October 1, 2026.

NOTE: The purpose of this bill is to safeguard state sovereignty and the citizens of the state by protecting non-REAL ID compliant licenses and identification cards.

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