

# Identification Card without a Photograph Study

2018 Draft Report

Virginia Department of Motor Vehicles  
September 2018

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## **Executive Summary**

During the 2018 General Assembly session, members considered whether to pass legislation creating a new Department of Motor Vehicles (DMV) identification card (ID card). Patroned by Delegate Wilt, HB 1149 created a DMV-issued ID card without a photograph for applicants with a sincerely held religious belief prohibiting the taking of a photograph.<sup>1</sup> Due to concerns about the cost of creating a new credential and uncertainty as to the application process, the House Transportation Committee decided to pass the bill by indefinitely, while DMV studied the proposal.

On April 13, 2018, DMV received a letter from Delegate David E. Yancey, Chairman of the House Transportation Committee charging DMV to study how to create an ID card without a photograph while maintaining the Commonwealth's current level of credential security. Further, the letter stated that the study should research how other states issued similar credentials, identify the population that might apply for an ID card without a photograph, design the application process, and determine the fiscal impact of producing such a credential. To do this, DMV was to convene appropriate stakeholders to review DMV's research and make recommendations about how to move forward.

DMV held two stakeholder meetings, with the first taking place on June 21, 2018, and the second on July 18, 2018. At the June meeting, DMV staff met with stakeholders from interested religious communities to discuss why they needed an ID card without a photograph and what a feasible application process might look like. At the July meeting, DMV staff presented an overview of other states' processes and proposed an application process for a Virginia-issued ID card without a photograph based upon feedback from the first stakeholder meeting. Stakeholders representing interested religious communities, law enforcement, the Virginia Department of Agriculture, the Virginia Department of Game and Inland Fisheries, the Association of the Clerks of Court and the banking industry attended. The stakeholders discussed the proposed credential process, the costs associated with producing an ID card without a photograph, and potential acceptance of the credential. A majority of the stakeholders interested in applying for an ID card without a photograph expressed their support for the credential and the application process proposed at the meeting. Stakeholders who might be asked to accept these credentials indicated that a Virginia-issued ID card without a photograph would likely be acceptable for a number of purposes, though some limitations would apply.

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<sup>1</sup> Appendix B, page 25.

This report includes: 1) the research presented to the stakeholders for their consideration, 2) the proposed ID card without a photograph application process, 3) the fiscal implications of producing an ID card without a photograph, and 4) an overview of the utility and limitations of an ID card without a photograph. Also included in this report is draft legislation authorizing DMV to issue an ID card without a photograph in a manner consistent with stakeholders' recommendations. Finally, the Appendices include letters and comments submitted by stakeholders concerning the process and recommended outcome.

## **1. Introduction**

In § 46.2-345 of the *Code of Virginia*, the Department of Motor Vehicles (DMV) is authorized to issue identification cards (ID cards). However, § 46.2-345 requires applicants for an ID card to submit to a photograph in order to successfully apply. Some religious groups in the United States have a sincerely held religious belief prohibiting the taking of a photograph. Two of these groups, the Old Order Amish and Old Order Mennonites, live in multiple localities in Virginia. As a result of Virginia's current laws, members of these groups are faced with the choice of living without a state-issued credential or violating their religious beliefs.

In 2017, representatives of the Old Order Mennonite community in Harrisonburg approached Delegate Wilt concerning their increasing difficulties living without access to a state-issued credential. To address this, Delegate Wilt introduced HB 1149 during the 2018 General Assembly to authorize DMV to issue an ID card without a photograph.

### ***House Bill 1149***

Delegate Wilt patroned HB 1149, which created a new code section, § 46.2-345.2, authorizing DMV to issue an ID card without a photograph, so long as the applicant had a sincerely held religious belief prohibiting the taking of a photograph. The credential authorized by HB 1149 was similar to a standard ID card. The only differences were:

- the applicant did not have to submit to a photograph;
- the applicant had to provide weight and hair color information;
- the applicant had to provide a Federal Form 4029 or sign an affidavit attesting to his or her sincerely held religious belief prohibiting the taking of a photograph; and
- the credential had to contain a disclaimer stating that the credential did not authorize the holder to drive, vote, or receive federal benefits.

Based on these parameters, DMV's credentialing vendor estimated it would require \$350,000 in upfront costs to begin production of the credential. In light of the high cost and proposed changes to the existing credentialing process, the House Transportation committee preferred for DMV to study the issue rather than move forward with legislation in 2018. The committee voted to pass the bill by indefinitely with the knowledge that Chairman Yancey would charge DMV to study the issue and report back to the House Transportation Committee before the 2019 General Assembly session began.

## *Study Charge*

DMV received Chairman Yancey's letter requesting DMV to study the creation of an ID card without a photograph on April 13, 2018.<sup>2</sup> Chairman Yancey instructed DMV to form a stakeholder group with a focus on determining how to issue an ID card without a photograph while staying consistent with Virginia's current high security standards. Additionally, the stakeholders were requested to:

- research how other states issue credentials without photographs
- determine the best process to issue credentials without photographs
- identify the interested population; and
- consider the fiscal implications of the proposed process.

As requested, DMV convened a stakeholder group representing interested religious communities, law enforcement, the courts, private industry, and other state agencies. DMV organized the first meeting of stakeholders such that DMV staff and representatives from interested religious groups could discuss a standard application process and what changes would be necessary in order to issue an ID card without a photograph. Held on June 21, 2018, the meeting with stakeholders providing invaluable information that allowed DMV to construct a potential application process. DMV presented this process, along with additional background information, to the full stakeholder group on July 18, 2018. The following sections of this report detail the information presented and the stakeholders' recommended process for how to issue an ID card without a photograph.

## **2. DMV's Research**

As with prior studies, DMV staff began by conducting research on how other states address the issue, while noting any factors specific to Virginia. For this study, DMV reviewed the credentialing options in all fifty U.S. states and the District of Columbia. Additionally, DMV contacted other Virginia agencies and interested stakeholders to better identify the population that might be eligible for an ID card without a photograph as envisioned by HB 1149.

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<sup>2</sup> Appendix A, page 22.

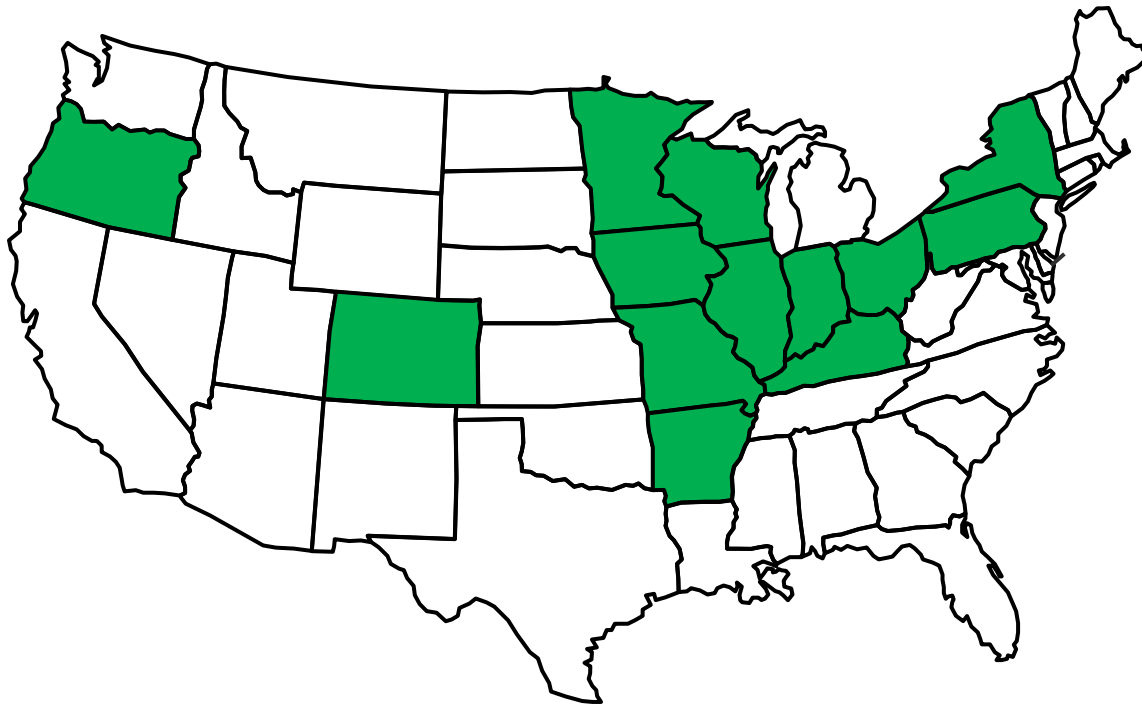
***Jurisdiction Research***

DMV began by reviewing whether other jurisdictions issue credentials without photographs and if so, for what reasons. DMV’s research indicated that twenty-one states currently issue credentials without photographs for religious, military, medical, and/or other purposes. Additionally, Kentucky will begin issuing credentials without photographs for religious reasons on January 1, 2019, bringing the total number of states issuing some type of credential without a photograph to twenty-two jurisdictions by 2019. The states and their reasons for issuing credentials without photographs are listed in Table 1.

| <b>Table 1: States’ Reasons for Issuing Credentials without Photographs</b> |                         |                        |              |
|---|-------------------------|------------------------|--------------|
| <b>Religious Reasons</b>  | <b>Military Reasons</b> | <b>Medical Reasons</b> | <b>Other</b> |
| Arkansas  | Alaska                  | Illinois               | Alaska       |
| Colorado  | Arizona                 | Indiana                | Kansas       |
| Illinois  | Kansas                  | New York               | Washington   |
| Indiana   | Kentucky                | Oregon                 |              |
| Iowa  | Maryland                | Pennsylvania           |              |
| Kentucky (eff. 1/1/19)  | Mississippi             | Wisconsin              |              |
| Minnesota   | Missouri                |                        |              |
| Missouri  | New Hampshire           |                        |              |
| New York  | Oregon                  |                        |              |
| Ohio  | Texas                   |                        |              |
| Oregon  | Wyoming                 |                        |              |
| Pennsylvania  |                         |                        |              |
| Wisconsin   |                         |                        |              |

As is evident in Table 1, thirteen states issue or will issue credentials without a photograph for religious reasons. As HB 1149 focused solely on issuing an ID card without a photograph for religious reasons, DMV conducted further research into these thirteen states. First, DMV examined them geographically and noted that many were located immediately north and west of Virginia. This information is provided in Map 1 with jurisdictions issuing credentials without photographs for religious purposes noted in green.

**Map 1: Jurisdictions Issuing Credentials without Photographs for Religious Reasons**



DMV reached out to these jurisdictions in order to determine who applied for their credentials without photographs and what process the applicants completed. The majority of jurisdictions indicated that the applicant population consisted mainly of Old Order Amish and Old Order Mennonite congregations. With this in mind, DMV staff researched the jurisdictions with the largest Old Order Amish and Old Order Mennonite populations. As depicted in the chart below, of the states with the largest Old Order Amish or Mennonite populations, only Virginia, Michigan, and California do not issue credentials without photographs.

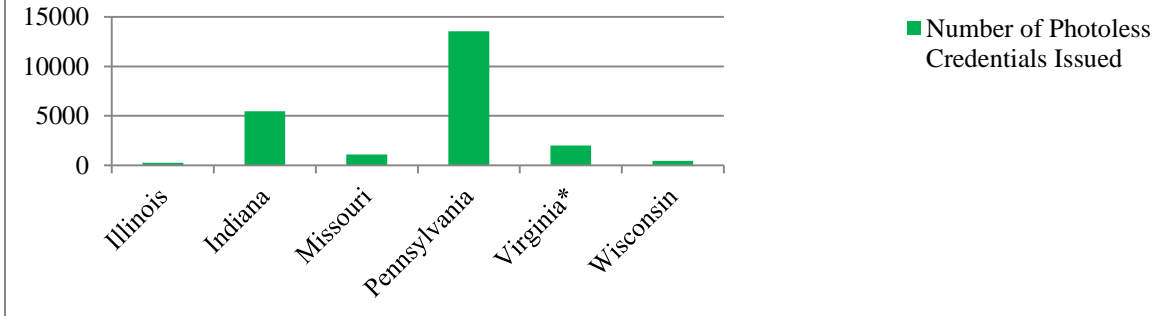


| <b>Table 2: States with the Largest Amish or Mennonite Populations and Whether They Issue a Credential without a Photograph<sup>3</sup></b> |  |   |  |
|---|--|---|--|
| <b>States with the largest Amish Population</b>   | <b>Credential without a Photograph for Religious Reasons</b> | <b>States with largest Mennonite Population</b> | <b>Credential without a Photograph for Religious Reasons</b> |
| Pennsylvania  | Yes  | Pennsylvania                                    | Yes  |
| Ohio  | Yes  | Ohio  | Yes  |
| Indiana   | Yes  | Indiana   | Yes  |
| Wisconsin   | Yes  | Kansas  | Yes  |
| New York  | Yes  | California                                      | No   |
| Michigan  | No   | Illinois  | Yes  |
| Missouri  | Yes  | Virginia  | No   |
| Kentucky  | Yes (eff. 1/1/19)  | Michigan  | No   |
| Iowa  | Yes  | New York  | Yes  |
| Illinois  | Yes  | Iowa  | Yes  |
| Minnesota   | Yes  | Missouri  | Yes  |

DMV staff also asked these jurisdictions how many credentials without photographs they have issued. Pennsylvania had the largest number with 13,560 credentials issued, while Illinois had the smallest number with only 271 credentials issued. Chart 1 depicts the number of credentials issued by the five responding jurisdictions alongside the estimated population that might apply for a Virginia-issued credential.\*

<sup>3</sup> "Amish Population, 2018." *Young Center for Anabaptist and Pietist Studies, Elizabethtown College.* <http://groups.etown.edu/amishstudies/statistics/population-2018/>; "WHICH STATES AND PROVINCES HAVE THE MOST MENNONITES?", *Third Way*, <http://thirdway.com/faq/which-states-and-provinces-have-the-most-mennonites/>.

### Chart 1: Number of Credentials without Photographs Issued



Additionally, DMV staff asked how other states conducted the application process for credentials without photographs issued due to religious reasons. In particular, staff wanted to know how these jurisdictions determined whether an applicant had a sincerely held religious belief prohibiting the taking of a photograph. DMV staff focused on this aspect because it and the absence of a photograph were the only major changes contemplated by HB 1149. All other aspects of the application for an ID card remained the same, including requiring proof of identity, residency, legal presence, and social security number.

DMV received a variety of responses. At one end of the spectrum, some states required only an affidavit from the applicant as to his or her sincerely held religious beliefs. At the other end, one state required applicants to complete a lengthy questionnaire as to their religious beliefs and approval from the applicants' religious leaders. DMV noted other states utilized one or more of the following methods to satisfy proof of a sincerely held religious belief prohibiting the taking of a photograph:

- applicant's affidavit;
- Federal Form 4029 (a federal document that allows individuals to state they have sincerely held religious beliefs that prohibit them from taking part in certain federal activities);
- court issued affidavit;
- application questionnaire; and
- affidavit from a religious leader.

In response to a request from law enforcement stakeholders, DMV reached out to the jurisdictions a second time to determine whether they had experienced any law enforcement

issues when administering their programs. DMV staff received responses from both licensing agencies and law enforcement. Officials in all thirteen jurisdictions responded. Eleven of the jurisdictions stated that they were unaware of any problems specific to the issuance of credentials without photographs. An Ohio official stated that he recalled only one case involving a person attempting to fraudulently withdraw funds from a bank with a stolen credential without a photograph. However, the incident occurred at least ten years ago.

As Kentucky will begin issuing credentials without photographs on January 1, 2019, Kentucky officials did not have any information concerning law enforcement issues after issuance. However, they did respond that law enforcement had not raised any concerns during the implementation process.

Some jurisdictions indicated that they took photographs of all applicants, but then did not print them on the credentials in order to better prevent fraud. However, they did note that as a result of this practice, some religious members would not apply for the credentials.

### ***Impacted Population***

DMV researched potential religious populations that might be interested in applying for the proposed credential. The Council on American-Islamic Relations Research Center conducted a 2004 study into various religious groups' concerns with licensing procedures.<sup>4</sup> It identified only two groups, Old Order Amish and Old Order Mennonites, as having concerns with the taking of a photograph requirement. Additional research indicated that some Native American tribes might also have concerns. DMV, through the Secretary of the Commonwealth's Tribal Liaison, reached out to the leaders of Virginia's recognized tribes, who responded that their members did not have religious concerns about the taking of a photograph and declined to participate in the study.

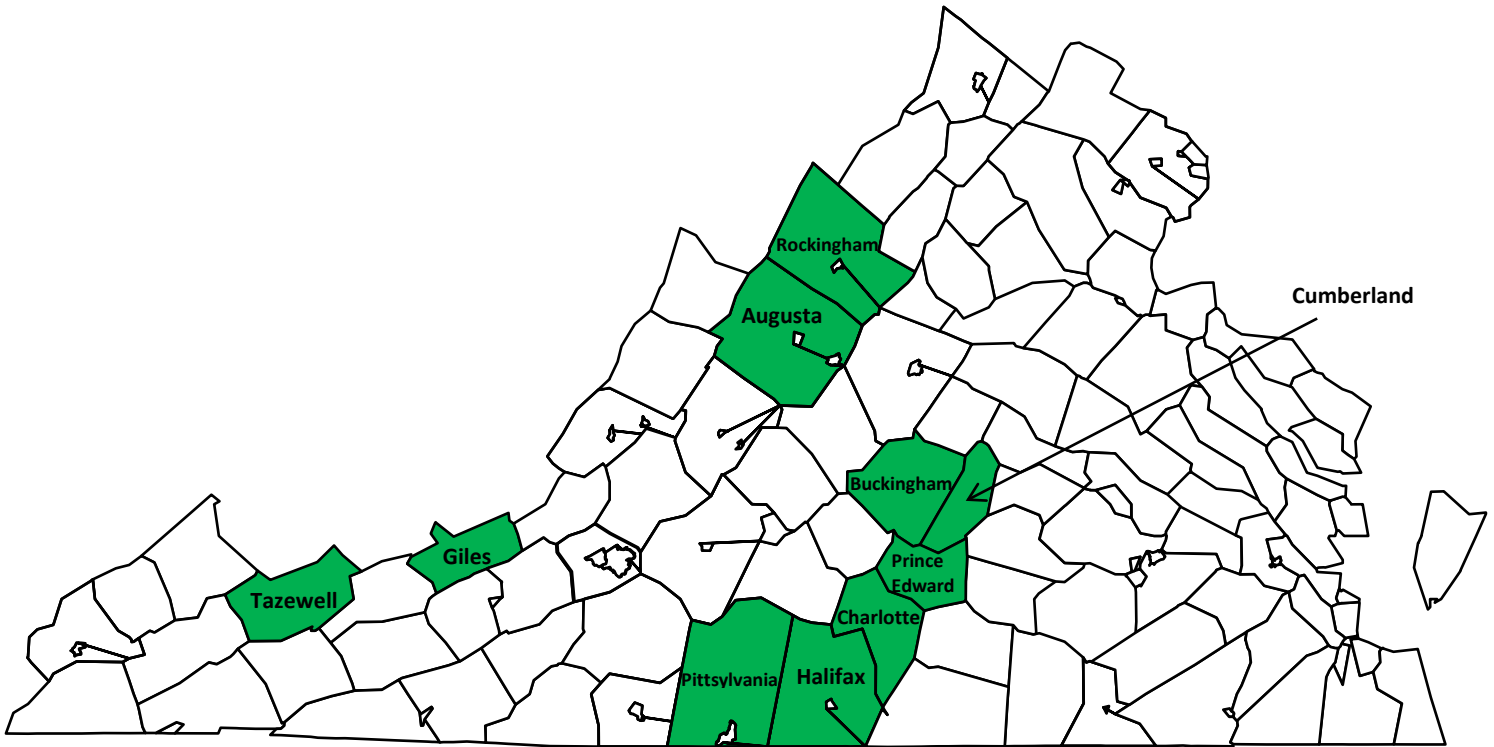
Delegate Wilt, patron of HB 1149, provided DMV with the contact information for the Old Order Mennonite representative that had requested the legislation. DMV reached out to him for assistance in identifying as many interested religious groups as possible. As a result of this contact, DMV was able to identify and contact over twenty Old Order Amish and Old Order Mennonite congregations across the state. After speaking with multiple groups, DMV was able to determine that the Old Order Amish and Old Order Mennonite congregations live in ten

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<sup>4</sup> *Religious Accommodation in Driver's License Photographs: A review of codes, policies and practices in the 50 states*, Council on American-Islamic Relations Research Center, 2004, <https://moritzlaw.osu.edu/electionlaw/litigation/documents/LWVJ.pdf>.

localities across the Commonwealth. Map 2 depicts the localities with Old Order Amish and/or Old Order Mennonite communities noted in green.

**Map 2: Virginia Localities with Old Order Amish and/or Old Order Mennonite**



### **Congregations**

DMV asked the congregations for an estimate of their members who would potentially apply for the proposed credential. Based on the numbers provided, DMV was able to estimate that approximately 2,000 individuals would be interested in applying for an ID card without a photograph.

DMV staff also asked stakeholders to explain how their lives were impacted by not having access to a state-issued credential. The stakeholders indicated that they had issues with the following activities:

- Conducting banking transactions
- Traveling
- Applying for marriage licenses
- Developing businesses/starting retail locations

- Accessing medical services – medical imaging and specialist offices
- Obtaining medical prescriptions
- Renting farming/construction equipment
- Shipping UPS through certain stores
- Obtaining pesticide licenses
- Obtaining hunting/fishing licenses
- Obtaining contractor licenses
- Taking real estate exams
- Selling scrap iron

The representatives of the Old Order Amish and Old Order Mennonite congregations further stated that they were able to manage currently, but were worried about the future. They remarked that more and more businesses and government activities require state-issued identification. They feel that if Virginia does not issue an ID card without a photograph, then they will have to make a painful decision between either violating their religious beliefs or losing their livelihoods. It was apparent to both DMV staff and other stakeholders that a solution is necessary in order to assist these groups.

### **3. Proposed ID Card Without a Photograph**

Following in-depth discussions with stakeholders interested in applying for an ID card without a photograph, DMV staff was able to detail precisely how a potential applicant would apply for the credential. The process is very similar to the current process used to issue a standard ID card with only four steps in the process changing.

#### ***High-Level Overview of the Process***

First, the applicant would submit a completed “Identification Card without a Photograph Application.” This is a somewhat new step, in that all credentialing transactions require an application form to be completed, but DMV’s current ID card application form would not be acceptable for this purpose. DMV’s current ID card application form also serves as the application form to apply for a driver’s license. This current application form contains a great deal of information that is not relevant to an applicant for an ID card without a photograph. DMV would prefer to make an entirely new form, specific to these applicants’ needs.

Along with the completed application, the applicant would submit proof of identity, proof of legal presence, proof of social security number, and two proofs of residency. These are the same proof requirements for a standard ID card and would not change. Additionally, the applicant would provide a signed and approved Federal Form 4029. As was previously stated,

the Form 4029 is a federal document that allows individuals to state they have sincerely held religious beliefs that prohibit them from taking part in certain federal activities. An applicant submits his or her Form 4029 for approval to the Internal Revenue Service (IRS), which approves and signs the document before sending it to the Social Security Administration (SSA), which also approves and signs the document. After the IRS and SSA have given their approval, a copy is sent to the applicant, which he or she can use in lieu of identification with a photograph when crossing into Canada and Mexico.

After having gathered all of the relevant documentation, DMV's customer service representative (CSR) would review the application, as is done with all credentialing transactions. The CSR would also check the applicant's record to determine if he or she holds another valid license or ID card. Current law does not allow an individual to hold more than one valid, state-issued driver's license or ID card.<sup>5</sup> If the applicant does hold another credential, he or she would have to surrender it to DMV in order to proceed with the process.

For the first six months of implementation, if an applicant for an ID card without a photograph surrenders a license or ID with a photograph, the applicant would be able to request DMV remove any photograph the Department has on file. This period is necessary because a handful of current members of the Old Order Amish and Old Order Mennonite congregations had no choice but to obtain state-issued identification in order to conduct their families' businesses. They would prefer to surrender these credentials once an ID card without a photograph is available and have their picture removed from DMV's customer records. The 2019 Proposed Legislation includes an enactment clause allowing DMV to assist these customers.<sup>6</sup>

Having finished the previous step, the CSR would complete the system checks to begin processing the ID card and would verify all proof documents. At this point, DMV and stakeholders agreed to add a new security measure. Before accepting payment and finishing the transaction, a supervisor would have to review and sign-off on the application and proof documents submitted by an applicant for an ID card without a photograph.

Finally, the CSR would collect the appropriate fee, issue a receipt, and inform the applicant that the credential will arrive by mail within 7-10 days.

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<sup>5</sup> Code of Virginia §§ 46.2-323, 46.2-345.

<sup>6</sup> Appendix D, page 33.

## *Application Process Details*

In order to ensure that the process will be accessible to potential applicants, DMV discussed the following specific topics with stakeholders at the June 18, 2018 meeting.

**Selective Service, Elections, and Organ Donation:** Under federal and state law, DMV is required to ask certain questions on all credential applications. In particular, DMV's applications must ask questions concerning the applicant's participation in Selective Service, the applicant's desire to register to vote, and the applicant's desire to become an organ donor. Stakeholders interested in applying for an ID card without a photograph reported that they had no concerns about answering these questions or leaving them blank, as the form instructed.

**Applicant Age 15 Years and Older:** DMV currently offers Child ID cards, which parents or legal guardians can apply for on behalf of a child under the age of fifteen. DMV's current Child ID cards include a photograph of the child and expire on the child's birthday when the child reaches an age divisible by five. DMV staff noted that programming for a Child ID card without a photograph would be an extra cost when initially producing an ID card without a photograph. Additionally, they pointed out that current Child ID cards are offered in part so that law enforcement has access to a photograph should a child go missing. As this would not be possible without a photograph, DMV was not sure whether there was a reason to issue a Child ID card without a photograph. Stakeholders reported that they did not believe their communities had a need for a Child ID card without a photograph.

**Federal Form 4029:** Due to the Form 4029 being an accepted federal document, DMV staff suggested it be used as the proof document for the sincerely held religious belief requirement. Stakeholders indicated that adult members of their communities regularly used the form and would have little difficulty providing it to DMV. However, the stakeholders stated that individuals apply for a Form 4029 only after they have become official members of the church. While there is no required age by which to make this decision, they noted it was unusual for a minors to have made that decision. Instead, stakeholders approved a process whereby the minor's parent or legal guardian would provide the parent or legal guardian's signed and approved Form 4029 at the time the applicant minor submitted his or her application.

**Standard Proof Documents:** DMV provides applicants with a list of documents that can be used to prove identity, legal presence, residency, and social security number. DMV staff asked stakeholders if they would be able to submit the correct proof documents, particularly a certified birth certificate. The stakeholders stated that they had no concerns with meeting the requirements listed by DMV.

**Validity Period:** DMV staff informed stakeholders that the typical ID card validity period is eight years. An example of when the eight years would not apply include when an applicant is legally present for a specific timeframe, such as a year-long work visa. Neither DMV staff nor stakeholders could determine a reason to change the standard validity periods, which also resulted in a cost savings due to avoided programming changes.

**Renewals:** For certain types of credentials, DMV has the ability to issue an original credential at the end of each validity period, instead of issuing a renewal. DMV staff suggested this as an option for ID cards without photographs because of the additional upfront cost of programming for renewals, as well as originals. Stakeholders expressed their support for this technical change in an effort to decrease the cost of the credential. The impact on applicants for ID cards without photographs is expected to be minimal.

### ***Design of ID Cards Without a Photograph***

As was previously stated, HB 1149 required weight and hair color information and a new disclaimer stating that the credential did not authorize the holder to drive, vote, or receive federal benefits. Because these requirements would have impacted the printing of the credential, they required additional programming, time, and resources to implement. DMV provided this information to the stakeholders who decided the following.

**Weight and Hair Color:** DMV staff noted that weight and hair color are not currently fields included on an ID card, because they are subject to change. The stakeholders agreed and decided to remove these requirements from the recommended credential.

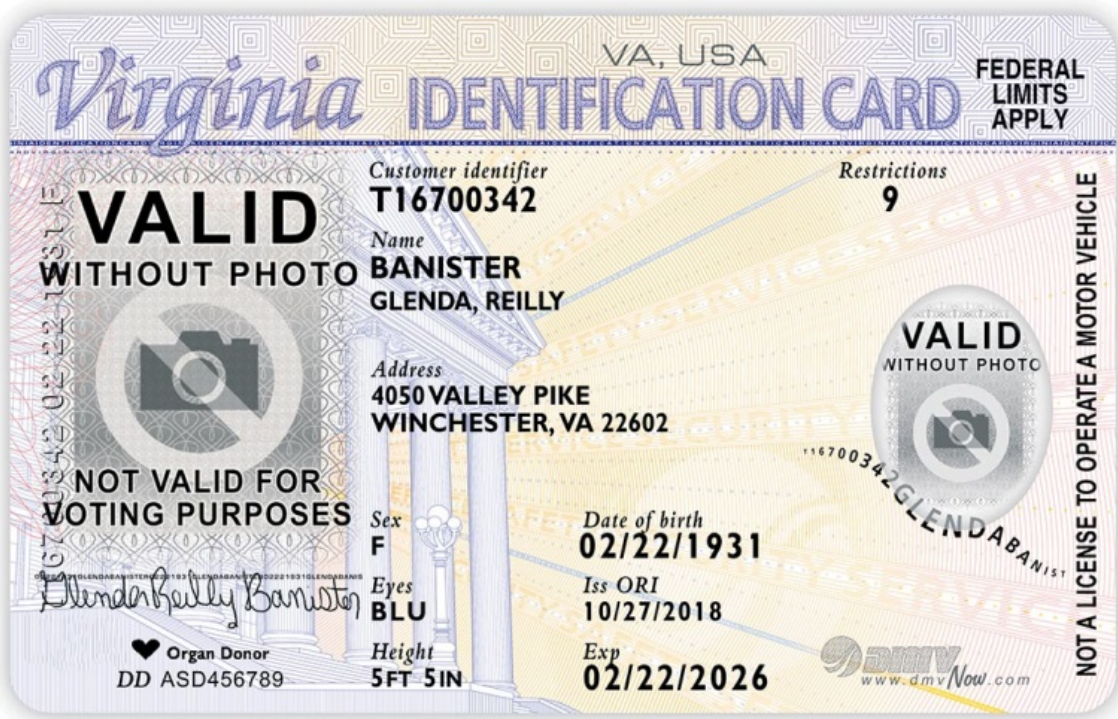
**Disclaimer:** DMV staff suggested that instead of having a single, new disclaimer, the ID card without a photograph could utilize language already available for credential design. First, a standard ID card states that the credential is “not a license to operate a motor vehicle.” Second, DMV’s credential vendor is already



producing credentials without photographs for Wisconsin and New York that include a gray and white image that states “Not Valid for Voting.” Finally, Virginia will begin issuing REAL ID compliant credentials on October 1, 2018. The federal REAL ID Act requires that a compliant credential must have a photograph and that non-compliant credentials must be marked as such. Virginia will issue both compliant and non-compliant credentials. All Virginia-issued non-compliant credentials will state “Federal Limits Apply” in the top right corner. The stakeholders agreed that with these three elements, the card design could fulfill the requirements set out in HB 1149, but without incurring any additional cost.

Based on this information, DMV’s credential vendor was able to provide a sample of how a Virginia-issued ID card without a photograph would look. DMV shared this image with stakeholders who agreed that the design was acceptable.

**Sample of Proposed Virginia ID Card without a Photograph**



#### **4. Uses and Limitations of an ID Card Without a Photograph**

ID cards without photographs have clear limitations. In particular, stakeholders recognized that an ID card without a photograph would not be valid identification for:

- Boarding a domestic flight;
- Purchasing firearms;
- Obtaining certain pharmaceuticals; and
- Meeting other requirements for government and private industry that specify identification with a photograph.

DMV staff was unable to research the laws behind identification requirements or reach representatives of industries in all of the problem areas stakeholders identified. However, a representative of the Virginia Banking Association stated that nothing in federal or state law prohibits a bank from accepting an ID card without a photograph for identification purposes. He noted that it would be up to individual banks to set their policies. Additionally, stakeholders representing both the banking industry and the Old Order communities indicated that they usually bank with only one or two banks within their communities as their families have been the banks' customers for generations.

A representative from the Virginia Department of Agriculture stated that when issuing a pesticide applicator certificate, the Department follows the U.S. Environmental Protection Agency's requirements, which mandate a valid government-issued photo identification, or other form of identification authorized by the Department, as proof of identity and age when taking the required certification exam(s).

DMV staff found similar language in Amtrak's policies concerning customer identification to board a train. The following can be found on Amtrak's website concerning valid identification:

To be valid, your identification must be current and in-force. The following forms of identification are acceptable for persons 18 and older:

- One piece of photo identification issued by a government authority or
- Two pieces of identification at least one issued by a government authority.<sup>7</sup>

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<sup>7</sup>Passenger Identification, Amtrak, 2018, <https://assistive.amtrak.com/h5/assistive/r/www.amtrak.com/passenger-identification>.

Additionally, representatives of the Old Order communities stated that when family members visit from states with ID cards without photographs, local businesses generally accept them as proof of identification.

When asked, representatives of the Old Order Amish and Old Order Mennonite communities stated that even with the limitations identified, they still believed that the ability to use an ID card without a photograph issued by the Commonwealth of Virginia for banking, purchases, and business needs would greatly improve their current situation.

Due to the limitations inherent in an ID card without a photograph, law enforcement representatives stated that the impact of a new credential on law enforcement would be decreased. However, these representatives also expressed concern that the lack of a photograph could make the credential unreliable identification for law enforcement purposes when dealing with a criminal matter.

DMV staff presented the idea of a security question based upon information present in DMV's record, which law enforcement is able to access in real-time. Information, such as the DMV location where the ID card without a photograph was issued, would be present in DMV's customer record, but not on the face of the credential. Any credential holder would be expected to know this information and to be able to provide it to law enforcement upon request; this would assist law enforcement in confirming the holder's identity. Stakeholders interested in applying for an ID card without a photograph stated that they are familiar with security questions from their interactions with banks, and believe such a process would be acceptable.

Law enforcement representatives also cautioned stakeholders against the increasingly prevalent threat of identity theft. They informed stakeholders that if an ID card without a photograph is lost or stolen, the holder should inform DMV immediately. Once informed, DMV would issue a replacement credential, and if circumstances warranted, begin an investigation into the missing original credential. Finally, law enforcement representatives mentioned Virginia State Police's educational efforts concerning identity theft, which a number of stakeholders believed would be very beneficial for their communities.

## **5. Fiscal Impact**

As was previously mentioned in the introduction, DMV's credentialing vendor supplied an original estimate of \$350,000 to produce an ID card without a photograph. Based on stakeholder discussion, DMV was able to make the following changes to the estimate parameters:

- maintain current credential fields
  - remove hair and weight from required fields on the face of the card
- use current disclaimers on ID card and REAL ID non-compliant credentials instead of a new disclaimer
  - standard ID cards already state “Not a license to operate a motor vehicle”
  - vendor had already prepared “Not valid for voting purposes” on credentials without photographs for other jurisdictions
  - REAL ID non-compliant credentials state “Federal Limits Apply” in upper right corner
- require application for an original instead of renewal so as to decrease necessary programming

As a result, DMV’s credentialing vendor provided a new estimate of approximately \$275,000, which amounted to a \$75,000 reduction. Despite further efforts to reduce the cost, DMV’s credentialing vendor could not decrease the price further. The main reason for this is the security inherent in Virginia’s credentials and Virginia’s credentialing production process.

Virginia’s credentialing process is very secure. While this is a tremendous benefit to the citizens of the Commonwealth, it makes changing central security features, such as the photograph, difficult. In order to allow production of an ID card without a photograph, the software program responsible for transmitting DMV data to DMV’s credentialing vendor must be re-programmed to allow for the submission of an ID card file without a photograph included. Currently the program would refuse to send such a file, or even a file with a crooked, blurry, or otherwise flawed photograph. Further, the re-programming must be performed for all relevant issuance processes, including original issuance, reissue, and replacements. In addition, the programs controlling each machine in the production process must also be re-worked. Currently, multiple machines are utilized to build a secure credential. Each one is programmed not to allow a credential to be produced without a photograph or with a damaged or distorted photograph. All of these machines must be re-programmed to allow for the issuance of an ID card without a photograph, while still maintaining the photograph requirements for all other types of transactions. Finally, everything that is re-programmed must be tested both in a virtual environment and in reality. Skilled technicians need significant time to complete the necessary programming and testing. The cost could only be minimally reduced when making a change to such a basic element of Virginia-issued credentials.

As to other costs, DMV does not expect them to be significant. DMV can complete any changes to its internal systems and to staff procedures within regular working hours for current

employees. DMV’s credentialing vendor does charge a small fee per card produced; however, that cost is built into the base fee for a standard ID card. As a result, ongoing costs should not be an issue.

When explaining this to stakeholders, DMV noted three options to fund the initial production of an ID card without a photograph. First, the General Assembly could pass a budget amendment appropriating new funding for DMV to cover the full or part of the \$275,000 upfront costs. Second, the fee for the credential could be structured such that DMV would recoup the upfront costs over time. Third, DMV could include the need for an ID card without a photograph in its next credentialing contract. DMV’s current contract ends in December 2022, meaning that if this option is taken, DMV could not begin issuing ID cards without photographs until January 2023 at the earliest. While the third option would likely decrease the upfront costs, the General Assembly would still need to pass legislation authorizing DMV to issue an ID card without a photograph before DMV could include the requirement in its credentialing contract.

At the final stakeholder meeting, stakeholders interested in applying for an ID card without a photograph stated that they would like to assist with paying for the credential. After discussing a number of amounts, DMV committed to looking into what fee would actually allow DMV to recoup all of the upfront vendor costs, while maintaining a reasonable fee amount. Table 3 demonstrates how much DMV would collect per fee amount. The squares highlighted in green indicate that the goal of recovering the \$275,000 upfront costs, in addition to basic ongoing processing costs, was reached.

|  | \$2 per year (\$16 – Standard ID Card) | \$9 per year (\$72) | \$10 per year (\$80) |
|--|--|---------------------|----------------------|
| <b>After 8 years - 1,800 ID cards w/out photos issued</b>  | \$28,800                               | \$129,600           | \$144,000            |
| <b>After 8 years - 2,000 ID cards w/out photos issued</b>  | \$32,000                               | \$144,000           | \$160,000            |
| <b>After 16 years – 1,800 ID cards w/out photos issued</b> | \$57,600                               | \$259,200           | <b>\$288,000</b>     |
| <b>After 16 years – 2,000 ID cards w/out photos issued</b> | \$64,000                               | <b>\$288,000</b>    | <b>\$320,000</b>     |

DMV reached out to stakeholders representing both the Old Order Amish and Old Order Mennonite congregations concerning the fee options. The stakeholders indicated that they supported a \$10 fee per year of issuance for the first 16 years of issuance. While the stakeholders are fairly confident in the population estimates DMV utilized, they noted that there is no guarantee that everyone eligible for an ID card without a photograph will actually apply for one. They believed the \$10 per year fee would allow DMV to recoup the upfront production costs, even if the applicant estimate proved high.

## **6. Conclusion**

Currently, Virginia law requires DMV to only issue credentials that include a photograph. Members of Virginia's Old Order Amish and Old Order Mennonite communities are facing numerous difficulties because currently they cannot apply for state-issued identification without violating their religious beliefs. Stakeholders considered this need along with the research provided on the thirteen other U.S. jurisdictions that currently issue credentials without photographs for religious reasons. Based on this information, the stakeholders recommended an application process and card design that would result in a DMV-issued ID card without a photograph. The stakeholders noted that an ID card without a photograph will have certain limitations, but many believed it would still be beneficial. Finally, stakeholders discussed multiple funding options and determined a reasonable, increased fee amount would be appropriate.

**Appendix A: Letter from  
Delegate David E. Yancey,  
Chairman of House  
Transportation**







COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

DAVID E. YANCEY  
POST OFFICE BOX 1163  
NEWPORT NEWS, VIRGINIA 23601  
  
NINETY-FOURTH DISTRICT

COMMITTEE ASSIGNMENTS:  
TRANSPORTATION (CHAIRMAN)  
EDUCATION  
COMMERCE AND LABOR

April 13, 2018

Mr. Richard D. Holcomb  
Commissioner  
Virginia Department of Motor Vehicles  
P.O. Box 27412  
2300 West Broad Street  
Richmond, Virginia 23269

Dear Commissioner Holcomb:

During the 2018 General Assembly Session, House Bill 1149, patroned by Delegate Wilt, was introduced instructing the Department of Motor Vehicles (DMV) to issue a new type of credential. Current law provides in § 46.2-345(D) that DMV issued credentials must include a photo of the credential holder. HB 1149 created a new credential card without a photo so that individuals with sincerely held religious beliefs prohibiting the taking of a portrait photo would have access to a government issued credential.

After speaking with the patron, DMV provided an amendment in the form of a substitute that created a limited purpose identification card without a photo and inserted this credential in all of the relevant statutes, such as those dealing with fraudulent application for a credential. In addition, DMV spoke with its credentialing vendor, Canadian Bank Note (CBN), concerning the costs of producing a secure identification credential without a photo. CBN estimated that it would cost approximately \$350,000 to design and program the production systems to accept a credential without a photo. CBN also requested at least six months to implement these changes. While the amendment in the nature of a substitute could be implemented, DMV expressed concerns to the patron about the cost of implementation considering the potentially small population impacted and DMV's current resources.

In light of the numerous code changes, fiscal expenditure, and time necessary to implement HB 1149, I request that the Department of Motor Vehicles study how to issue a credential without a photo in a manner consistent with Virginia's current credential security standards. I request that DMV convene an internal working group to conduct a study of how to provide Virginians with a credential without a photo and the cost of implementation of this process. As part of the study, the working group shall meet with relevant stakeholders, including representatives of interested faith communities, representatives of relevant localities, law

Mr. Richard D. Holcomb  
February 12, 2018

enforcement, and CBN. The working group shall also review how other states are issuing credentials without photos, determine the best process to issue credentials without photos in Virginia, identify the population that might apply for these credentials, and consider the fiscal implications of the proposed process.

I request that DMV report back to the House Committee on Transportation in December of 2018 with the results of the study and the working group's recommendations. The report should include any proposed legislation that would be necessary in order to pursue the recommendations and the costs to implement such legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "D E Yancey". The signature is stylized with a large "D" and a distinct "E".

David E. Yancey  
Chair, House Transportation Committee

cc: The Honorable Tony O. Wilt, Delegate

# **Appendix B: House Bill 1149**



**HOUSE BILL NO. 1149**

Offered January 10, 2018

Prefiled January 10, 2018

*A BILL to amend the Code of Virginia by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.2, relating to credential cards without a photograph; issuance by the Department of Motor Vehicles; penalties.*

-----

Patron-- Wilt

-----

Referred to Committee on Transportation

-----

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 7 of Chapter 3 of Title 46.2 a section numbered 46.2-345.2 as follows:

*§ 46.2-345.2. Issuance of credential cards; fee; confidentiality; penalties.*

*A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a credential card to the person, provided that:*

*1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; height; weight; hair color; eye color; year, month, and date of birth; social security number; sex; and residence address;*

*2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;*

*3. The applicant presents either (i) an approved and signed IRS Form 4029 or (ii) an affidavit affirming that he has a sincerely held religious belief against the taking of a portrait photograph; and*

*4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit.*

*B. The fee for the issuance of an original, duplicate, reissue, or renewal credential card is \$2 per year, with a \$10 minimum fee.*

*C. Every credential card shall expire on the applicant's birthday at the end of the period of years for which a credential card has been issued. At no time shall any credential card be issued for less than three nor more than eight years, except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.*

*D. A credential card issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle, vote, or receive federal benefits. Every applicant for a credential card shall appear in person before the Department to apply for a renewal, duplicate, or reissue unless specifically permitted by the Department to apply in another manner.*

*E. Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a credential card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or canceled. The credential card shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.*

*F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a credential card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.*

*G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a credential card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the credential card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.*

*H. The Department may promulgate regulations necessary for the effective implementation of the provisions of this section.*

*I. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's credential card that the applicant has any condition listed in subsection K of § 46.2-342.*

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 836 of the Acts of Assembly of 2017 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

# **Appendix C: Study Structure and Stakeholder List**





# Study Structure

## Stakeholder Team Meetings

**June 21**  
**10am-12pm**

Reasons an ID  
Card without a  
Photograph is  
Needed

Potential  
Application  
Process

**July 18**  
**10am-12pm**

Presentation of  
DMV Research

Proposed  
Application  
Process

Use and  
Limitations

**August –  
November**

Draft Report

Stakeholder  
Review

Finalize  
Report

**December**

Submit Report  
to House  
Transportation  
and  
Stakeholders

## DMV Study Team Meetings

## **Department of Motor Vehicles Participants**

**Richard Holcomb**  
Commissioner

**Linda Ford**  
Assistant Commissioner for Governmental Affairs

**Karen Grim**  
Deputy Commissioner for Operations

**Pam Goheen**  
Assistant Commissioner for Communications

**Millicent Ford**  
Assistant Commissioner for Driver, Vehicle and Data Management  
Services

**Melissa Velazquez**  
Legislative Services

**Ashley Hall**  
Study Coordinator  
Strategic Management Services

**Amanda Hamm**  
Legislative Services

**Sharon Brown**  
Driver Services Administration

**Stefan Yssel**  
Driver Systems Development

**Camdon Gutshall**  
Driver Licensing Division

**Charlene Hinton**  
Legal Services

**Cheryl Sanders**  
Governmental Affairs

**Sheri Vaughan**  
Customer Services Management Administration

**David Kyger**  
Enforcement and Compliance

**Mervin Brown**  
Customer Services Management Administration

**Tracy May**  
Customer Services Management Administration

**Jacoby Harper**  
Driver Licensing Division

## **Stakeholders**

**Delegate Tony Wilt**  
Virginia House of Delegates

**Aaron J. Beery**  
Old Order Amish Community

**Dale F. Beery**  
Old Order Mennonite Community

**Benuel K. Beiler**  
Old Order Amish Community

**Emma Buck**  
Division of Legislative Services

**Everette D. Burkholder**  
Old Order Mennonite Community

**Danny C. Byler**  
Old Order Amish Community

**Daniel Coblantz**  
Old Order Amish Community

**Samuel Coblantz**  
Old Order Amish Community

**John Y. Esh**  
Old Order Amish Community

**Elmer K. Ebersol**  
Old Order Amish Community

**Stuart Fallen**  
Director, Bank of Charlotte County and  
former Clerk of Court, Charlotte County

**Isaac Fisher**  
Old Order Amish Community

**Chad Funkhouser**  
Aide to Delegate Wilt

**Chief Howard Hall**  
Chief of Police, Roanoke County Police Dept

**Chaz Haywood**  
Clerk, Rockingham Circuit Court

**Officer E. W. Herndon**  
Department of Game and Inland Fisheries

**Jonas S. Hershberger**  
Old Order Amish Community

**Noah Hertzler**  
Old Order Amish Community

**Adin E. Horst**  
Old Order Mennonite Community

**Justus C. Horst**  
Old Order Mennonite Community

**Stephen M. Kanagy**  
Old Order Amish Community

**Abner King**  
Old Order Amish Community

**Robert E. Knicely**  
Old Order Mennonite Community

**Benedict Miller**  
Old Order Amish Community

**Nathaniel P. Miller**  
Old Order Amish Community

**Officer Ian Ostlund**  
Department of Game and Inland Fisheries

**Omer Petersheim**  
Old Order Amish Community

**Commander Frank Pyanoe**  
Virginia State Police, Harrisonburg

**Anna Seymour**  
Department of Agriculture and Consumer  
Services

**Amor L. Smucker**  
Old Order Amish Community

**Stevie Stolfus**  
Old Order Amish Community

**Captain Joe Suter**  
Patrol Captain, Rockingham County Police  
Department

**John E. Wenger**  
Old Order Mennonite Community

**Lawrence L. Wenger**  
Old Order Mennonite Community

**Daniel Yoder**  
Old Order Amish Community

**Jacob L. Yoder**  
Old Order Amish Community

**Kenneth Yoder**  
Old Order Amish Community

# **Appendix D: 2019 Proposed Legislation**



1 **BILL NO. \_\_\_\_\_**

2 *A BILL to amend and reenact § 46.2-345 of the Code of Virginia and to amend the Code of*  
3 *Virginia by adding a section numbered 46.2-345.2 relating to identification cards without*  
4 *photographs.*

5 Patron \_\_\_\_\_

6 Referred to Committee on \_\_\_\_\_

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That § 46.2-345 of the Code of Virginia is amended and reenacted and that the Code of**  
9 **Virginia is amended by adding a section numbered 46.2-345.2 as follows:**

10 **§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.**

11 A. On the application of any person who is a resident of the Commonwealth or the parent  
12 or legal guardian of any such person who is under the age of 15, the Department shall issue a  
13 special identification card to the person, provided that:  
14

15 1. Application is made on a form prescribed by the Department and includes the  
16 applicant's full legal name; year, month, and date of birth; social security number; sex; and  
17 residence address;  
18

19 2. The applicant presents, when required by the Department, proof of identity, legal  
20 presence, residency, and social security number or non-work authorized status;

21 3. The Department is satisfied that the applicant needs an identification card or the  
22 applicant shows he has a bona fide need for such a card; and

23 4. The applicant does not hold a driver's license, commercial driver's license, temporary  
24 driver's permit, learner's permit, ~~or~~ motorcycle learner's permit or special identification card  
25 without a photograph.

26 Persons 70 years of age or older may exchange a valid Virginia driver's license for a  
27 special identification card at no fee. Special identification cards subsequently issued to such  
28 persons shall be subject to the regular fees for special identification cards.

29 B. The fee for the issuance of an original, duplicate, reissue, or renewal special  
30 identification card is \$2 per year, with a \$10 minimum fee. Persons 21 years old or older may be  
31 issued a scenic special identification card for an additional fee of \$5.

32 C. Every special identification card shall expire on the applicant's birthday at the end of  
33 the period of years for which a special identification card has been issued. At no time shall any  
34 special identification card be issued for less than three nor more than eight years, except under  
35 the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children  
36 under the age of 15 shall expire on the child's sixteenth birthday. Notwithstanding these  
37 limitations, the Commissioner may extend the validity period of an expiring card if (i) the  
38 Department is unable to process an application for renewal due to circumstances beyond its  
39 control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the  
40 card was not issued as a temporary special identification card under the provisions of subsection  
41 B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days  
42 per occurrence of such conditions. Any special identification card issued to a person required to  
43 register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's  
44 birthday in years which the applicant attains an age equally divisible by five. For each person  
45 required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the  
46 requirement that each such person shall appear for each renewal or the requirement to obtain a  
47 photograph in accordance with subsection C of § 46.2-323.

48 D. A special identification card issued under this section may be similar in size, shape,  
49 and design to a driver's license, and include a photograph of its holder, but the card shall be  
50 readily distinguishable from a driver's license and shall clearly state that it does not authorize the  
51 person to whom it is issued to drive a motor vehicle. Every applicant for a special identification  
52 card shall appear in person before the Department to apply for a renewal, duplicate or reissue  
53 unless specifically permitted by the Department to apply in another manner.

54 E. Special identification cards, for persons at least 15 years old but less than 21 years old,  
55 shall be immediately and readily distinguishable from those issued to persons 21 years old or  
56 older. Distinguishing characteristics shall include unique design elements of the document and  
57 descriptors within the photograph area to identify persons who are at least 15 years old but less  
58 than 21 years old. These descriptors shall include the month, day, and year when the person will  
59 become 21 years old.



60 F. Special identification cards for persons under age 15 shall bear a full face photograph.  
61 The special identification card issued to persons under age 15 shall be readily distinguishable  
62 from a driver's license and from other special identification cards issued by the Department. Such  
63 cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a  
64 motor vehicle.

65 G. Unless otherwise prohibited by law, a valid Virginia driver's license shall ~~may~~ be  
66 surrendered upon application for a special identification card without the applicant's having to  
67 present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is  
68 unexpired and it has not been revoked, suspended, or cancelled. The special identification card  
69 shall be considered a reissue and the expiration date shall be the last day of the month of the  
70 surrendered driver's license's month of expiration.

71 H. Any personal information, as identified in § 2.2-3801, which is retained by the  
72 Department from an application for the issuance of a special identification card is confidential  
73 and shall not be divulged to any person, association, corporation, or organization, public or  
74 private, except to the legal guardian or the attorney of the applicant or to a person, association,  
75 corporation, or organization nominated in writing by the applicant, his legal guardian, or his  
76 attorney. This subsection shall not prevent the Department from furnishing the application or any  
77 information thereon to any law-enforcement agency.

78 I. Any person who uses a false or fictitious name or gives a false or fictitious address in  
79 any application for an identification card or knowingly makes a false statement or conceals a  
80 material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2  
81 misdemeanor. However, where the name or address is given, or false statement is made, or fact is  
82 concealed, or fraud committed, with the intent to purchase a firearm or where the identification  
83 card is obtained for the purpose of committing any offense punishable as a felony, a violation of  
84 this section shall constitute a Class 4 felony.

85 ~~J. The Department may promulgate regulations necessary for the effective~~  
86 ~~implementation of the provisions of this section.~~

87 K. The Department shall utilize the various communications media throughout the  
88 Commonwealth to inform Virginia residents of the provisions of this section and to promote and  
89 encourage the public to take advantage of its provisions.

90 L. The Department shall electronically transmit application information to the  
91 Department of State Police, in a format approved by the State Police, for comparison with  
92 information contained in the Virginia Criminal Information Network and National Crime  
93 Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special  
94 identification card. Whenever it appears from the records of the State Police that a person has  
95 failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of  
96 Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a  
97 violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation  
98 of § 18.2-472.1 in the jurisdiction in which the person made application for the special  
99 identification card.

100 M. When requested by the applicant, the applicant's parent if the applicant is a minor, or  
101 the applicant's guardian, and upon presentation of a signed statement by a licensed physician  
102 confirming the applicant's condition, the Department shall indicate on the applicant's special  
103 identification card that the applicant has any condition listed in subsection K of § 46.2-342.

104

105 **§ 46.2-345.2. Issuance of special identification cards without photographs; fee;**  
106 **confidentiality; penalties.**

107 A. On the application of any person with a sincerely held religious belief prohibiting the  
108 taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of  
109 age , the Department shall issue a special identification card without a photograph to the person,  
110 provided that:

111 1. Application is made on a form prescribed by the Department and includes the  
112 applicant's full legal name; year, month, and date of birth; social security number; sex; and  
113 residence address;

114 2. The applicant presents, when required by the Department, proof of identity, legal  
115 presence, residency, and social security number or non-work authorized status;

116 3. The applicant presents an approved and signed U.S. Department of the Treasury  
117 Internal Revenue Services (IRS) Form 4029 or if such applicant is a minor, the applicant's parent  
118 or legal guardian presents an approved and signed IRS Form 4029; and

119 4. The applicant does not hold a driver's license, commercial driver's license, temporary  
120 driver's permit, learner's permit, motorcycle learner's permit, or special identification card.

121 B. The fee for the issuance of an original, duplicate, reissue, or special identification card  
122 without a photograph is \$10 per year, with a \$20 minimum fee.

123 C. Every special identification card without a photograph shall expire on the applicant's  
124 birthday at the end of the period of years for which a special identification card without a  
125 photograph has been issued. At no time shall any special identification card without a  
126 photograph be issued for more than eight years. Notwithstanding these limitations, the  
127 Commissioner may extend the validity period of an expiring card if (i) the Department is unable  
128 to process an application for re-issue due to circumstances beyond its control or (ii) the extension  
129 has been authorized under a directive from the Governor. However, in no event shall the validity  
130 period be extended more than 90 days per occurrence of such conditions.

131 D. A special identification card without a photograph issued under this section may be  
132 similar in size, shape, and design to a driver's license and shall not include a photograph of its  
133 holder. The card shall be readily distinguishable from a driver's license and shall clearly state that  
134 federal limits apply; that the card is not valid identification to vote, and that it does not authorize  
135 the person to whom it is issued to drive a motor vehicle. Every applicant for a special  
136 identification card without a photograph shall appear in person before the Department to apply  
137 for a duplicate, or reissue unless specifically permitted by the Department to apply in another  
138 manner.

139 E. Unless otherwise prohibited by law, a valid Virginia driver's license or special  
140 identification card shall be surrendered upon application for a special identification card without  
141 a photograph without the applicant having to present proof of legal presence as required by  
142 § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not  
143 been revoked, suspended, or canceled. The special identification card without a photograph shall  
144 be considered a reissue, and the expiration date shall be the last day of the month of the  
145 surrendered driver's license's or special identification card's month of expiration.

146 F. Any personal information, as identified in § 2.2-3801, that is retained by the  
147 Department from an application for the issuance of a special identification card without a  
148 photograph is confidential and shall not be divulged to any person, association, corporation, or  
149 organization, public or private, except to the legal guardian or the attorney of the applicant or to  
150 a person, association, corporation, or organization nominated in writing by the applicant, his  
151 legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing  
152 the application or any information thereon to any law-enforcement agency.

153 G. Any person who uses a false or fictitious name or gives a false or fictitious address in  
154 any application for a special identification card without a photograph or knowingly makes a false  
155 statement or conceals a material fact or otherwise commits a fraud in any such application shall  
156 be guilty of a Class 2 misdemeanor. However, where the special identification card without a  
157 photograph is obtained for the purpose of committing any offense punishable as a felony, a  
158 violation of this section shall constitute a Class 4 felony.

159 H. When requested by the applicant, the applicant's parent if the applicant is a minor, or  
160 the applicant's guardian, and upon presentation of a signed statement by a licensed physician  
161 confirming the applicant's condition, the Department shall indicate on the applicant's special  
162 identification card without a photograph that the applicant has any condition listed in subsection  
163 K of § 46.2-342.

164 I. Unless the Code specifies that a photograph is required, a special identification card  
165 without a photograph shall be treated as a special identification card.

166 **2. That until January 1, 2020, when an applicant who is deemed eligible for a special**  
167 **identification card without a photograph surrenders a Virginia driver's license or special**  
168 **identification card, the Department of Motor Vehicles is authorized to remove the**  
169 **applicant's photograph on file with the Department, if the applicant requests such removal**

# **Appendix E: Written Responses to Study Report**



Everette D. Burkholder

795 Mason St.  
Dayton, VA 22821  
(540) 879-9260

ASHLEY S HALL  
ROOM 505  
PO BOX 27412  
RICHMOND VA 23269-0001

September 25, 2018

Ms. Hall:

I am in receipt of the report of the study of an Identification Card Without a Photo, and am well pleased with \$46.2-345.2 contained therein. The language matches my hopes and intentions for such a credential. You did well!

I am also satisfied with the funding arrangement your department has purposed, although I do have one thought to offer:

Seeing that Wisconsin and New York get their non-photo credentials from your very own CBN here in VA, reason would lead us to think a similar one for VA could be produced by them for less than the \$275,000.00 they are requesting, but if not, what keeps VA from inquiring of PA's or OH's vendors to see what they would charge us for one?

What do Wisconsin and New York pay CBN? What do PA and OH pay someone else for theirs? If those vendors are in the ballpark with CBN, maybe they (CBN) are within their rights for the \$275,000.00, but if there is a considerable difference, maybe not.

I realize you have a contract with CBN for your present credentials, but this one is something new, and I would think that you are under no obligation to use them for it.

The country mouse has no business going to the city to tell the city mice how to run the government, so please forgive me for my ignorance in things that are too deep for me.

In closing, I applaud your office for the extreme diligence with which you have exercised in your tireless research of this matter — for such a small percent of your constituents. Please accept my sincere thanks for your (a plural term, meaning all of you) efforts thus far, and for any that you expend in the future. While the game is not over, I would hope that your research has about come to an end, and that you could soon sit back and relax over it. It was certainly a job well done!

Sincerely,



Everette D. Burkholder





Hamm, Amanda &lt;amanda.hamm@dmv.virginia.gov&gt;

---

**Fwd: [EXTERNAL] - Identification Card without a Photograph Study report.**

1 message

---

**Hall, Ashley** <ashley.hall@dmv.virginia.gov>  
To: Amanda Hamm <amanda.hamm@dmv.virginia.gov>

Tue, Oct 2, 2018 at 4:33 PM

----- Forwarded message -----

From: **Howard Hall** <HHALL@roanokecountyva.gov>  
Date: Tue, Oct 2, 2018 at 4:32 PM  
Subject: Re: [EXTERNAL] - Identification Card without a Photograph Study report.  
To: Ashley Hall <ashley.hall@dmv.virginia.gov>  
Cc: <Dana@vachiefs.org>

Ashley,

Thanks for sending the draft. I don't have any specific edits; however, I think it's important for anyone applying for this credential to know that it is unlikely to be accepted by a law enforcement agency.

Thanks,

Howard B. Hall  
Chief of Police  
Roanoke County Police Department  
[5925 Cove Road](#)  
[Roanoke, VA 24019](#)  
(540) 777-8601

&gt;&gt;&gt; "Hall, Ashley" &lt;ashley.hall@dmv.virginia.gov&gt; 9/20/2018 8:58 AM &gt;&gt;&gt;

Dear Stakeholder,

I've enclosed the Identification Card without a Photograph Study report.

This is your opportunity to provide any suggested edits to the body of the report and the legislation. If you would like to enclose comments to be included in the appendix, which represent your views in regards to the study and recommendations, please feel free to include such comments. We will ensure that they are placed in the appendix.

Please email your edits and comments to me by October 10<sup>th</sup>. If you have any questions please feel free to contact me by email or at (804) 367-6540. Thank you so much for your participation in the study.

Sincerely,

Ashley S. Hall

--

**Ashley Hall**

Virginia DMV | Senior Policy Analyst | Strategic Management Services

804-367-6540 | [www.dmvNOW.com](http://www.dmvNOW.com)

Superior Service | Secure Credentials | Saving Lives

To, Ashley Hall

10-9-18

In response to the study report that you sent to me. I looked it over, and feel that it is well put together.

For a non-photo ID it will serve our needs for our church group.

Thanks,

Adin E. Horst

ADIN E. HORST  
6266 RUSHVILLE RD.  
DAYTON, VA 22821

Dear Miss Hall:

Oct. 9, 2018

Please accept my sincere regrets concerning the delayed response from me. Kindly understand that it isn't because I've not been interested, but rather due to a full schedule.

Thank-you for your many efforts on our behalf for this project. We appreciate your help.

In reviewing the draft report, I can agree to all the content as well as a well-crafted proposal.

In closing, accept, please, our gratitude for your and your office's assistance on our concerns. We remain indebted.

Sincerely yours,  
Lawrence S. Wenger

Dear Ashley

Oct. 9, 18

a few lines to let you know how much we appreciate your effort to do something about the Photoless I.D. Identification card. as I have a business in carpenture work etc and I have problem at times at lumber yards where people don't know me so I'm hoping for this Identification card to be available, which will help me in my business. Thanks so much again for your effort. Let me know if I can be of any help in any way.

Sincerely  
Paul D. Schleich

P 540-867-9701

F 540-867-5073

Oct 9 20

Dear Ashley

I have reviewed the  
draft report on identification <sup>card</sup> with  
photo. It all looks good to  
me, except one thing. How was  
it added to you, that got me  
off the stakeholder list on page  
32 of the report?

My wife Ethel helped make  
the cherry pies we ate at Mr  
Buckhales on June 21 in Dayton.  
Is that maybe why? ☺

Robert E Kniely

Old Order Mennonite Community

3194 Mount Clinton Pike

Rockingham, VA 22802

Thank you very much for  
your work on this matter.

Robert

Oct 10, 2018

Dear Ms. Hall

I read the, ID card without a  
Photograph study,

I don't have any objections.

Thank You for all the work you've done  
so far. Any questions call 434-349-1138

"Sincerely"

Benedict Miller

Benedict Miller

2024 Volens Rd.

Nathalie, VA 24577

Oct 10, 2018

In response to the Non Photo  
identification study

We as a group of old order Amish  
of Nathalie Va. are very much agreed  
with the Study report.

Thank you for all the effort you  
have put in this study.

May God Bless

Robert Coblenz

Ruby Coblenz

Liese Gingerich

Mary Ann Gingerich

Jonathan Coblenz

Ruthie Coblenz

Nato J. Miller

Raymond H. Detweiler

Samuel W. Byler

Walter C. Byler

Robert W. Detweiler

Jonathan Gingerich

Kenneth D. Under

Henry Byler

Faerman Miller

Walter Jay Byler

Jay Hershberger

Bosie Hershberger

Mark Gingerich

Nathan Gingerich

Marvin Beachy

Daniel Troyer

Samuel Troyer

Ben Coblenz

Larry Miller Jr

Daniel Coblenz

Robert Gingerich

Nathan P. Miller

Paul Coblenz

Lynne Coblenz

W. Smith

Bennie Ray King

Sam J. Detweiler

J. Miller

Larry Ray Miller

William Byler

Stephen Hoels

Emmanuel Coblenz  
Samuel Miller  
Joseph Coblenz  
Edward Byler  
Emma Sue Byler  
Katie Fern Byler  
Freeman Gary Dietweiler  
Marty M Yoder  
Nathan Wayne Gingerich  
Willis Miller  
Leanna Yoder  
Laura Fern Miller  
Madelene Miller  
Korenfange Miller  
Linda Coblenz  
Lisa Byler  
Rhoda Coblenz  
Neoma Byler  
Mary Ann King  
Liz O Byler  
Rosemary Coblenz  
Robert Jay Gingerich  
Samuel Ray Miller  
Steven D. Troyer  
Henry Adam Troyer  
Mark Miller

Sarah Jane Miller  
Becky Coblenz  
Paul B. Miller  
Joseph A. Gingerich  
Loretta Miller  
David Byler  
Lydia Ann Beachy  
Raymond Beachy  
Katie Herschberger



DALE F. BEERY  
(540) 879-2197  
4005 OTTOBINE ROAD  
DAYTON, VA 22821-2825

Oct. 10, 2018

Ashley Hall

DMV

Room 505

P. O. Box 27412

Richmond, Va. 23269-0001

Dear Ashley:

Please accept my sincere apology for not responding to your letter in a timely manner. I did not realize responses were required for the special identification card project to move forward.

In an attempt to achieve a better end result my suggestion is wait until a new contract is secured with a credentialing vendor at a more reasonable price to produce the cards. Law enforcement is trending toward biometrics ie thumb prints etc. Include this on the card which in time may be accepted as suitable for more purposes such as the purchase of firearms. Delegate Wilt mentioned "doing this right". Ten dollars per year does not seem reasonable when a credential with a photograph is offered for two dollars per year.

I am doubting 1800 ID cards w/out photos will be issued in 16 years.

Sincerely,  
Dale F. Beery

Oct. 11, 2018

Dear Ashley Hall:

I have received the report of the Identification Card without a Photograph Study, and have examined it, and I am satisfied with it.

I would like to see this go to the House Committee on Transportation in Dec. 2018 and to the Legislature in hopes that these non photo cards can become available to us.

I want to sincerely thank everyone involved in this process, and the great effort in behalf of the Old Order Amish and Mennonite Churches.

We feel unworthy of the kind consideration of our State Government officials and employees of our beliefs and of our way of life.

Sincerely,

Justus C. Horst  
old order mennonite

10/12/18

Hello,

I have studied the information you sent me about the photoless ID card. I am well satisfied with what I found + have no suggestions on how to improve it.

It has been brought to my attention that you had expected an answer by the 10<sup>th</sup>. Being I had no changes in mind, I did not respond earlier. Sorry about that'

Noah Hertzler  
Cullen Va

October 13, 2018

Ashley Hall

Dear Mrs Hall, We hope you are well.

In answer to your letter of September 20th I apologize for being late in answering

I have looked at the ID card w/out photo study report I did not see anything I would want to change or add to it

It gave an estimated number of individuals who would apply for a photoless ID, I feel the number 2000 was a good estimate of the plain people in VA, Also we agree this number is growing rapidly, However I feel not all of the Amish communities will be applying at this time.

Again we thank you for your efforts in trying to help us, we feel unworthy of what you are trying to do to help us.

Sincerely  
John Y. Esh

Just a note ...

Dear Ms Hall

I have read the draft report and am in agreement with the term and conditions. I did however have a question regarding what documentation is required to establish legal presence when we apply for a non-photo ID card?

I wish also to extend a hearty thanks to you and all involved who have put a lot of effort in to making this identification card without a photo available for those who desire it.

Sincerely

John E. Wenger Jr



Dear Asley Hall

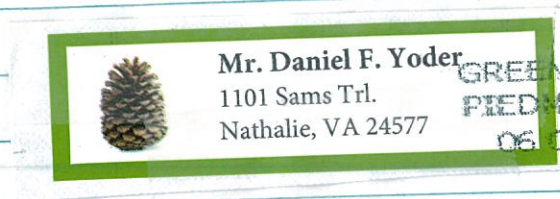
Identification card without  
a photograph looks ok to me.

Jonas  
Hershlberger

Ashley Hall

The Study report hook Great !!

Thanks again For all the time  
and effort you all put into this



I am very well pleased with the study as presented.  
I appreciate how you are trying to keep it simple and to  
the point and not a lot of extra/unnecessary steps to get an I.D.  
My wishes are that it gets accepted.

God's blessings wishes

Almer J. King



Dear Ashley,

We appreciate your effort put forth in the study of the Identification Cards.

As far as we can tell everything looks satisfactory on the study. We are sorry for the delay in getting this sent to you. Thanks again.

Sincerely,

*Carva J. Beery*

*Someone's life depends on YOU.*