

COMMITTEE ON HOMELAND SECURITY, JUSTICE
AND PUBLIC SAFETY

12/7/2023-AMENDED AND REPORTED OUT TO THE FLOOR

03/15/2023-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

BILL NO. 35-0013

Thirty-Fifth Legislature of the Virgin Islands

February 15, 2023

An Act amending title 20 Virgin Islands Code, part II, chapter 35, relating to the issuance of limited local-purpose identification cards and operators' licenses

PROPOSED BY: Senators Samuel Carrión, Angel L. Bolques, Jr.,
Kenneth L. Gittens and Carla J. Joseph
Co-sponsors: Marvin A. Blyden and Ray Fonseca

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 20 Virgin Islands Code, chapter 35 is amended by designating
3 sections 371 to 380 as Subchapter I and adding a subchapter II to read as follows:

4 **Subchapter II Virgin Islands Limited Purpose Identification Card and Limited**
5 **Purpose Operator's License**

6 **§ 381 Definitions.** As used in this subchapter, the following terms have the meaning expressed
7 in this section.

8 (a) 'Director' means the Virgin Islands Bureau of Motor Vehicles Director or the
9 Director's designee.

10 (b) 'Non-Real ID Limited Purpose Virgin Islands Identification Card' or 'Limited
11 Purpose ID' means an identification card issued by the Bureau of Motor Vehicles in a manner
12 not compliant with the Real ID Act of 2005 for territorial use purposes only.

1 (c) 'Resident' means any natural person who has maintained a residence in the Virgin
2 Islands for at least 180 days.

3 **§ 382. Non-Real ID Limited Purpose Virgin Islands Identification Card**

4 (a) Upon an applicant's submission of a completed application, payment of the fee
5 prescribed pursuant to section 372d(a) and special processing fee of \$15, and the Director being
6 satisfied that the person described is the applicant and that such applicant meets the application
7 requirements and any other conditions promulgated by Director, the Director shall issue to the
8 applicant a nontransferable Non-Real ID Limited Purpose Virgin Islands Identification Card.

9 (b) Every Limited purpose ID or renewal issued to a person under twenty-one must
10 have prominently imprinted "UNDER 21 YEARS OF AGE" in notably distinctive print or
11 format.

12 (c) The Limited Purpose ID must contain the holder's photograph pursuant to
13 regulations established by the Director. Any photograph taken as part of the application
14 procedure for an identification card is not a public record.

15 (d) A Limited Purpose ID is valid for three years from the date of issuance. The date
16 of issuance and expiration must be noted on the identification card.

17 (e) A Limited Purpose ID does not convey voting privileges and is not valid for any
18 official federal purpose.

19 (f) A Limited Purpose ID is for local identification purposes only and must bear the
20 words "Not Valid for Federal Purposes."

21 (g) Nothing in this section may be construed to prohibit or restrict any action where
22 the prohibition or restriction is contrary to federal law.

23 **§ 383. Proof of Identity applicable to Non-Real ID Limited Purpose Virgin Islands**
24 **Identification Cards**

25 (a) The Director shall require an applicant for a Limited Purpose ID or renewal to
26 provide proof of the applicant's identity.

1 (b) When applying for Limited Purpose ID, the applicant shall submit documentation
2 establishing proof of identity and proof of residency in the Virgin Islands for not less than 180
3 days. Proof of identity is established either through one form of primary proof of identity or
4 through two forms of secondary proof of identity. Documentation of legal status is not required.

5 (c) Primary proof of identity includes:

6 (1) A valid passport issued by the applicant's country of citizenship that is
7 unexpired or expired for not more than two years at the time the application for Limited
8 Purpose ID Card is submitted; and

9 (2) A valid, unexpired consular identification document issued by an applicant's
10 country of citizenship;

11 (3) any other form of identification published by the Director as acceptable
12 primary proof of identification.

13 (d) Secondary proof of identity includes:

14 (1) A valid, unexpired motor vehicle operator's license, with security features,
15 issued by another state or country;

16 (2) A valid national identification card;

17 (3) An original birth certificate with a raised seal issued by the applicant's
18 country;

19 (4) An Individual Taxpayer Identification Number;

20 (5) A Social Security Card; and

21 (6) Any other form of identification published by the Director as acceptable as
22 secondary proof of identification.

23 **§ 384. Proof of residency applicable to Non-Real ID Limited Purpose Virgin Islands**
24 **Identification Cards**

1 (a) The Director shall require an applicant for a non-Limited Purpose ID Card, or
2 renewal of it, to provide proof of the applicant's residency in the Virgin Islands for at least 180
3 days, including proof of physical address in the Virgin Islands.

4 (b) Proof of residency is established by providing any one of the following documents
5 that contain the applicant's name and physical address and, unless provided otherwise, and is
6 dated not less than 180 days before the date of application:

7 (1) A utility or medical bill;

8 (2) A bank or credit card statement or transaction including the bank's name and
9 mailing address;

10 (3) A pre-printed pay stub;

11 (4) A tax bill dated not less than twelve months before the date of application;

12 (5) A current homeowner's insurance or renter's insurance policy or motor
13 vehicle insurance card or policy;

14 (6) A residential contract such as a mortgage or lease showing signatures from
15 all parties needed to execute the agreement;

16 (7) Postmarked mail sent from the government or a utility company;

17 (8) A change of address confirmation from the United States Postal Service
18 indicating an applicant's current and prior address;

19 (9) A survey of an applicant's real property issued by a licensed surveyor;

20 (10) Any official school records showing enrollment dated not less than 180 days
21 before the date of application;

22 (11) Notarized affidavit from two persons attesting proof of residence;

23 (12) any other documentation published by the Director as acceptable proof of
24 residence; or

25 (c) Any proof of identity or residency submitted to the Director in a language other
26 than English must be accompanied by a notarized English translation of the document prepared

1 by a translator. No photocopy, notarized photocopy, or nonnotarized document is acceptable as
2 proof of identity.

3 **§ 385. Issuance of Non-Real Limited Purpose operator's license to applicants**

4 The Director shall issue a Non-Real ID Limited purpose Virgin Islands Operator's
5 License in accordance with the procedures in section 373 of subchapter I to any resident who
6 meets the qualifications and requirements of operators under subchapter I of this chapter, meets
7 the proof of identity and residency requirements in section 386, and pays the fees prescribed
8 pursuant to Subchapter I and a special processing fee of \$15 under this section.
9 Notwithstanding subchapter I, the Director may not decline to issue a motor vehicle operator's
10 license to any applicant who meets the licensure requirements provided in this subchapter but
11 cannot establish that they are legally present in the United States or do not have a Social
12 Security number.

13 **§ 386. Requirements applicable to Non-Real ID Limited Purpose Operator's License**

14 The Director shall require an applicant for a non-Real ID Limited Purpose Virgin Islands
15 operator's license or renewal thereof to provide proof of the applicant's identity and residency
16 in the Virgin Islands for at least 180 days, including proof of physical address in the Virgin
17 Islands. Documentation of legal status is not required. Proof of identity is established either
18 through one form of primary proof of identity or through two forms of secondary proof of
19 identity, as provided in section 386a.

20 **§ 386a. Proof of Identity applicable to Non-Real ID Limited Purpose Operators Licenses**

21 (a) Primary proof of identity includes:

22 (1) A valid passport issued by the applicant's country of citizenship that is
23 unexpired or expired for not more than two years at the time the application for a motor
24 vehicle operator's license is submitted;

25 (2) A valid, unexpired consular identification document issued by an applicant's
26 country of citizenship; or

1 (3) Any other form of identification published by the Director as acceptable
2 primary proof of identification.

3 (b) Secondary proof of identity-includes:

4 (1) A valid, unexpired motor vehicle operator's license, with security features,
5 issued by another state or country;

6 (2) A valid national identification card;

7 (3) An original birth certificate with a raised seal issued by the applicant's
8 country;

9 (4) An Individual Taxpayer Identification Number;

10 (5) A Social Security Card; and

11 (6) Any other form of identification published by the Director as acceptable
12 secondary proof of identification.

13 **§ 386b. Proof of residency applicable to non-Real ID Limited Purpose Virgin Islands**
14 **Operator's License**

15 (a) Proof of residency is established by providing one of the following documents,
16 which must contain the applicant's name and physical address and be dated at least 180 days
17 before applying unless provided otherwise:

18 (1) A dated utility or medical bill;

19 (2) A dated bank or credit card statement or transaction, including the bank's
20 name and mailing address;

21 (3) A pre-printed pay stub;

22 (4) A tax bill dated not less than twelve months before the date of application;

23 (5) A current homeowner's insurance or renter's insurance policy or motor
24 vehicle insurance card or policy;

1 (6) A residential contract such as a mortgage or lease showing signatures from
2 all parties needed to execute the agreement dated not less than twelve months before the
3 application;

4 (7) Postmarked mail from the government or a utility company dated not less
5 than twelve months before the application;

6 (8) A change of address confirmation from the United States Postal Service
7 indicating an applicant's current and prior address.

8 (9) A survey of an applicant's real property issued by a licensed surveyor;

9 (10) Any official school records showing enrollment dated not less than 12 months
10 before the date of application;

11 (11) Notarized affidavit from two persons attesting proof of residence; and

12 (12) Any other documentation the Director publishes as acceptable proof of
13 residence.

14 (b) Any form of primary proof of identity or proof of residency submitted to the
15 Director in a language other than English must be accompanied by a notarized English
16 translation of the document prepared by a translator. No photocopy, notarized photocopy, or
17 noncertified document is acceptable as a form of proof of identity. Additionally, the Director
18 may require some foreign documents to be apostilled.

19 (c) No inference may be made regarding legal status because of an application for or
20 using the operator's license.

21 (d) Nothing in this section may be construed to prohibit or restrict any action where
22 the prohibition or restriction is contrary to federal law.

23 **§ 386c. Special requirements applicable to non-Real ID Limited Purpose Virgin Islands**
24 **operators' licenses**

25 (a) As a prerequisite to issuing an operator's license, the Director shall administer a
26 knowledge test to all applicants after the applicant has satisfied the requirements of this section.

1 Not later than 30 days after the applicant has passed the knowledge test, the Director shall
2 determine whether the applicant has been convicted of any felony in the Virgin Islands by
3 requesting a criminal record matching the applicant's name and date of birth.

4 (b) A non-real ID Limited Purpose operator's license is only for territorial driving. It
5 is valid for three years, expires on the licensee's birthday in the third year, and must bear the
6 words "Not Valid for Federal Purposes," and have a unique design or color indicator that
7 distinguishes it from other driver's licenses as required by the Real ID Act of 2005.

8 (c) Any operator's license issued under this section must indicate that the license is
9 unacceptable for federal identification purposes.

10 (d) No operator's license issued under this section may be used as identification for
11 voting purposes. The back of the license must contain language indicating that it may be used
12 for driving purposes only.

13 **§ 387. Nondisclosure of personal information**

14 (a) Neither the Director, any employee of the Bureau of Motor Vehicle, nor anyone
15 who comes into possession of the information submitted by an applicant under this
16 subchapter shall disclose or otherwise make accessible any motor vehicle record containing
17 personal information or any personal information for any purposes related to Title 8 of the
18 United States Code, any portion of any record that identifies whether or not the type of
19 operator's license, motorcycle license, learner's permit, or non-driver identification card that a
20 person has applied for complies with the provisions of the "REAL ID Act of 2005," Pub.L.109-
21 13, any acts amendatory or supplementary to it, or any federal regulations adopted thereunder,
22 except where:

- 23 (1) The applicant provides written informed consent to the disclosure;
- 24 (2) The requesting entity presents a warrant signed by a territorial court or federal
25 judge, lawful court order, or subpoena;
- 26 (3) The disclosure is required by Virgin Islands or federal law; or

1 (4) The disclosure is in connection with an audit or investigation of identity
2 fraud, driver's license fraud, or non-driver identification fraud.

3 (b) Nothing in this section may be construed to prohibit or in any way restrict any
4 action where the prohibition or restriction would be contrary to federal law.

5 (c) The Director shall adopt regulations to implement this section.

6 **§ 388. Penalties**

7 (a) Any officer or employee of an agency who, by employment or official position, has
8 possession of, or access to, agency records that contain individually identifiable information or
9 anyone who comes into possession of the agency records that contain individually identifiable
10 information, the disclosure of which is prohibited by sections 384(c) or 387 or by regulations
11 established thereunder, and who knows that disclosure of the specific material is prohibited,
12 willfully discloses the material in any manner to any person or agency not entitled to receive
13 it, upon conviction is guilty of a misdemeanor and subject to a fine of not more than \$1,000.

14 (b) Any person who knowingly and willfully requests or obtains any record required
15 by this subchapter from an agency concerning an individual under false pretenses upon
16 conviction is guilty of a misdemeanor and subject to be fined not more than \$1,000.”

17 **SECTION 2.** Title 20 Virgin Islands Code, chapter 47, section 704 is amended in
18 subsection (c) by adding paragraph (4) to read as follows:

19 “(4) The legal status of a person who has obtained an operator’s license under 20 V.I.C.
20 § 385 may not be considered as part of any of the insurer’s underwriting requirements, nor may
21 a policy be denied, canceled, or annulled based on a person’s legal status in the Virgin Islands.”

22 **BILL SUMMARY**

23 This bill amends title 20 Virgin Islands Code, part II, chapter 35, by amending sections
24 372a, 372c, 372d and 375, and adding new sections 372g and 375a allowing for the issuance
25 of limited purpose identification cards and operator licenses to applicants who cannot prove
26 their legal residence in the United States or for applicants who do not have a social security

1 number. The bill further provides that the Director of the Bureau of Motor Vehicles shall not
2 use, or disclose to any federal, State, or local law enforcement any motor vehicle record
3 containing personal information, or any personal information, any purposes related to Title 8
4 of the United States Code without the informed consent of the applicant, a warrant signed by a
5 State or Federal judge, lawful court order, or subpoena. Additionally, the bill provides that
6 motor vehicle insurers may not deny automobile insurance coverage to a person who presents
7 a limited purpose operator's license when procuring automobile insurance coverage.

8 **BR23-0067/January 11, 2023/LMW/Updated SLR**

9 [..\..\..\AMENDS\35th Legislature\CARRIÓN, SAMUEL\Amendment 35-](#)
10 [255\Amendment 35-255 \(REVISED III\) - DRAFTED ON YELLOW.docx](#)

11 [..\..\..\AMENDS\35th Legislature\BLYDEN, MARVIN A\Amendment 35-201\35-201-](#)
12 [DRAFTED ON YELLOW.docx](#)