

COMMITTEE ON HOMELAND SECURITY, JUSTICE
AND PUBLIC SAFETY

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, part II, chapter 35 section 372a is amended
3 by striking “legal” before “resident”.

4 **SECTION 2.** Title 20 Virgin Islands Code, part II, chapter 35 section 372c is amended
5 in the following instances:

6 (1) in subsection (a) by striking the word “legal” before “resident” and

7 (2) by re-designating subsection (b) as subsection (c) and adding a new subsection (b)

8 that reads as follows:

9 “(b) Documentation of legal presence is not a requirement for obtaining a Virgin
10 Islands Identification Card, however a card issued that does not meet federal standards is
11 designated a “Limited Purpose Virgin Islands Identification Card” and is subject to 20
12 V.I.C. § 372g.”

1 **SECTION 3.** Title 20 Virgin Islands Code, part II, chapter 35, section 372d, subsection
2 (b) is amended by striking “proof of the applicant’s legal status in the United States,” and by
3 striking “for at least 90 days”.

4 **SECTION 4.** Title 20 Virgin Islands Code, part II, chapter 35 is amended by inserting
5 section 372g to read as follows:

6 **“372g. Limited Purpose Virgin Islands Identification Card**

7 (a) An application for a Limited Purpose Identification Card requires proof of identity
8 proof of residency in the Virgin Islands for at least 90 days as defined in section 375a.

9 (b) Any form of proof of identity or residency submitted to the Director of the Bureau
10 of Motor Vehicles in a language other than English must be accompanied by a certified English
11 translation of the document prepared by a certified translator.

12 (c) The Bureau of Motor Vehicles may not use or disclose to any federal, state, or local
13 law enforcement agency any record containing any personal information for any purpose
14 related to Title 8 of the United States Code without the informed consent of the applicant, or a
15 warrant signed by a Virgin Islands court or federal judge, or a lawful court order or subpoena.

16 (d) No inference may be made because of an application for, or use of a Limited
17 Purpose Virgin Islands Identification Card regarding legal status. Limited Purpose Virgin
18 Islands Identification Cards are not valid identification for arrest, detention, or any other
19 immigration enforcement action.

20 (e) A Limited Purpose Identification Card does not convey voting privileges and is not
21 valid for any official federal purpose.

22 (f) A Limited Purpose Identification Card is for local identification purposes only and
23 shall bear the words, “Not Valid Voter Identification” and “Not Valid for Federal Purposes.”

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

1 **SECTION 5.** (a) Title 20 Virgin Islands Code, part II, chapter 35, section 375 is amended
2 by re-designating subsection (c) as subsection (e) and adding new subsection (c) and a
3 subsection (d) to read as follows:

4 “(c) Documentation of legal presence is not a requirement for obtaining a Virgin
5 Islands operator’s license, however a license issued which does not meet federal
6 standards is designated a “Limited Purpose Operator’s License” and is subject to 20
7 V.I.C. § 375a.

8 (d) Noting in this section prohibits the issuance of a Real ID operator’s license if
9 federal qualifications are met.”

10 (b) Title 20 Virgin Islands Code, part II, chapter 35 is amended by inserting section
11 375a to read as follows:

12 **“§ 375a. Limited Purpose Operator’s License**

13 (a) When applying for an operator’s license, the applicant shall submit documentation
14 establishing proof of identity and proof of residency in the Virgin Islands for not less than 90
15 days. Proof of identity is established either through one form of primary proof of identity or
16 through two forms of secondary proof of identity.

17 (b) As used in this section:

18 (1) “Primary proof of identity” means:

19 (A) a valid foreign passport issued by the applicant’s country of citizenship
20 that is unexpired or expired for not more than two years at the time the application
21 for a motor vehicle operator’s license is submitted;

22 (B) a valid, unexpired consular identification document issued by an
23 applicant’s country of citizenship; or

24 (C) any other form of identification published by the Director as acceptable
25 primary proof of identification.

26 (2) “Secondary proof of identity” means:

1 (A) a valid, unexpired motor vehicle operator’s license, with security
2 features, issued by another state or country;

3 (B) a valid foreign national identification card;

4 (C) an original birth certificate with a raised seal issued by a foreign
5 country;

6 (D) any other form of identification published by the Director as acceptable
7 primary proof of identification.

8 (3) “Proof of residency” means a piece of mail or electronic document that is
9 dated not more than 90 days before the date of the application that includes the applicant’s
10 name and physical address from any two of the following sources, but not two from the
11 same category:

12 (A) a bank or mortgage company, utility company, credit card company,
13 doctor or hospital;

14 (B) a bank statement or bank transaction receipt showing the bank’s name
15 and mailing address;

16 (C) a pre-printed pay stub;

17 (D) a property or excise tax bill dated not more than twelve months before
18 the application;

19 (E) a current homeowner’s insurance or renter’s insurance policy or motor
20 vehicle insurance card or policy dated not more than twelve months before the
21 application;

22 (F) a residential mortgage or similar loan contract, lease or rental contract
23 showing signatures from all parties needed to execute the agreement dated not more
24 than twelve months before the application;

25 (G) any postmarked mail;

1 (H) a change of address confirmation from the United States Postal Service
2 indicating an applicant's current and prior address;

3 (I) a survey of an applicant's real property issued by a licensed surveyor;

4 (J) any official school records showing enrollment;

5 (K) any other documentation published by the Director as acceptable proof
6 of residence.

7 (c) Any form of primary proof of identity or proof of residency submitted to the
8 Director that is in a language other than English must be accompanied by a certified English
9 translation of the document prepared by a translator. No photocopy, notarized photocopy, or
10 noncertified document is acceptable as a form of proof of identity.

11 (d) As a prerequisite to the issuance of an operator's license, the Director shall
12 administer a knowledge test to all applicants after the applicant has satisfied the requirements
13 of this section.

14 (e) Any operator's license issued pursuant to this section must include an indication
15 that the license is not acceptable for federal identification purposes.

16 (f) No operator's license issued pursuant to this section may be used as identification
17 for voting purposes and must contain language indicating that it cannot be used for voting
18 purposes.

19 (g) Notwithstanding any provision to the contrary, neither the Director, nor any
20 employee of the Bureau of Motor Vehicles, nor anyone who comes into possession of the
21 information submitted by an applicant, may use, or disclose to any federal, state, or local law
22 enforcement any motor vehicle record containing personal information, or any personal
23 information for any purposes related to Title 8 of the United States Code without the
24 informed consent of the applicant, a warrant signed by a state or federal judge, lawful court
25 order, or subpoena.

1 (h) Neither the Director, nor any employee of the Bureau of Motor Vehicle, nor
2 anyone who comes into possession of the information submitted by an applicant shall disclose
3 or otherwise make accessible for any purposes related to Title 8 of the United States Code
4 any portion of any record that identifies whether or not the type of operator's license,
5 motorcycle license, learner's permit, or non-driver identification card that a person has
6 applied for complies with the provisions of the "REAL ID Act of 2005," Pub.L.109-13, any
7 acts amendatory or supplementary thereto, or any federal regulations adopted thereunder,
8 except where:

9 (1) the applicant provides written informed consent to the disclosure;

10 (2) the requesting entity presents a warrant signed by a territorial court or
11 federal judge, lawful court order, or subpoena;

12 (3) the disclosure is required by Virgin Islands or federal law; or

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

15 (i) Nothing in this section may be construed to prohibit, or in any way restrict any
16 action where the prohibition or restriction would be contrary to federal law.

17 (j) The Director may adopt regulations in accordance with this chapter to implement
18 the provisions of this section.

19 **SECTION 6.** Title 22 Virgin Islands Code, chapter 9 is amended by adding section 230c
20 to read as follows:

21 **§230c. Automobile insurance coverage for holders of limited purpose operator's**
22 **licenses**

23 Any insurer providing a person with motor vehicle insurance coverage shall not consider,
24 as part of any of its underwriting requirements, the legal status of a person who has obtained
25 an operator's license under 20 V.I.C. § 375a, and shall not deny automobile insurance coverage
26 based on a person's legal status in the Virgin Islands.

BILL SUMMARY

This bill amends title 20 Virgin Islands Code, part II, chapter 35, by amending sections 372a, 372c, 372d and 375, and adding new sections 372g and 375a allowing for the issuance of limited purpose identification cards and operator licenses to applicants who cannot prove their legal residence in the United States or for applicants who do not have a social security number. The bill further provides that the Director of the Bureau of Motor Vehicles shall not use, or disclose to any federal, State, or local law enforcement any motor vehicle record containing personal information, or any personal information, any purposes related to Title 8 of the United States Code without the informed consent of the applicant, a warrant signed by a State or Federal judge, lawful court order, or subpoena. Additionally, the bill provides that motor vehicle insurers may not deny automobile insurance coverage to a person who presents a limited purpose operator's license when procuring automobile insurance coverage.

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