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H.549

Introduced by Representative Headrick of Burlington

Referred to Committee on

Date:

Subject: Motor vehicles; nondriver identification card; corrections

Statement of purpose of bill as introduced: This bill proposes to permit an individual who has been detained pre-adjudication in a correctional facility for six months or more to obtain a State-issued nondriver identification card for no fee.

~~An act relating to eligibility of detainees to obtain a State-issued nondriver identification card~~

An act relating to eligibility of sentenced or detained individuals to obtain a State-issued nondriver identification card, replacement operator's license, or replacement learner's permit

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 23 V.S.A. § 115 is amended to read:~~

§ 115. NONDRIVER IDENTIFICATION CARDS

(a)(1) Any Vermont resident may make application to the Commissioner and be issued an identification card that is attested by the Commissioner as to true name, correct age, residential address unless the listing of another address is requested by the applicant or is otherwise authorized by law, and any other identifying data as the Commissioner may require that shall include, in the

1 ~~case of minor applicants, the written consent of the applicant's parent,~~
2 guardian, or other person standing in loco parentis.

3 (2) Every application for an identification card shall be signed by the
4 applicant and shall contain such evidence of age and identity as the
5 Commissioner may require, consistent with subsection (1) of this section. New
6 and renewal application forms shall include a space for the applicant to request
7 that a "veteran" designation be placed on the applicant's identification card. If
8 a veteran, as defined in 38 U.S.C. § 101(2) and including an individual
9 disabled during active military, naval, air, or space service, as defined in 38
10 U.S.C. § 101(24), requests a veteran designation and provides a Department of
11 Defense Form 214 or other proof of veteran status specified by the
12 Commissioner, and the Office of Veterans' Affairs confirms the veteran's
13 status as an honorably discharged veteran; a veteran discharged under
14 honorable conditions; or an individual disabled during active military, naval,
15 air, or space service, the identification card shall include the term "veteran" on
16 its face.

17 (3) The Commissioner shall require payment of a fee of \$29.00 at the
18 time application for an identification card is made, except that an initial
19 ~~non-driver identification card shall be issued at no charge to.~~

1 (A) an individual who surrenders the individual's license in
2 connection with a suspension or revocation under subsection 636(b) of this
3 title due to a physical or mental condition; or

4 (B) an individual under 23 years of age who was in the care and
5 custody of the Commissioner for Children and Families pursuant to 33 V.S.A.
6 § 4903(4) in Vermont after attaining 14 years of age.

7 (b) Every identification card shall expire, unless earlier canceled, at 12:00
8 midnight on the eve of the fourth anniversary of the date of birth of the
9 cardholder following the date of original issue and may be renewed every four
10 years upon payment of a \$29.00 fee. A renewed identification card shall
11 expire, unless earlier canceled, at 12:00 midnight on the eve of the fourth
12 anniversary of the date of birth of the cardholder following the expiration of
13 the card being renewed. At least 30 days before an identification card will
14 expire, the Commissioner shall mail first-class to the cardholder or send the
15 cardholder electronically an application to renew the identification card; a
16 cardholder shall be sent the renewal notice by mail unless the cardholder opts
17 in to receive electronic notification. An individual born on February 29 shall,
18 for the purposes of this section, be considered as born on March 1.

19 (c) In the event an identification card is lost, destroyed, mutilated, or a new
20 name is acquired, a replacement may be obtained upon furnishing satisfactory
21 proof to the Commissioner and paying a \$24.00 fee.

1 (d) The identification card shall bear the following notice: “For
2 identification purposes only.”

3 (e) The holder of an identification card shall notify the Commissioner, in
4 writing, of a change in address within 30 days after the change is made.

5 (f) The Commissioner shall cancel the identification card if the card is
6 fraudulently obtained, altered, or misused.

7 (g) An identification card issued to a first-time applicant and any
8 subsequent renewals by that person shall contain a photograph or imaged
9 likeness of the applicant. The photographic identification card shall be
10 available at a location designated by the Commissioner. An individual issued
11 an identification card under this subsection that contains an imaged likeness
12 may renew the individual’s identification card by mail. Except that a renewal
13 by an individual required to have a photograph or imaged likeness under this
14 subsection must be made in person so that an updated imaged likeness of the
15 individual is obtained not less often than once every nine years.

16 (h) An identification card issued to an individual who is under 18 years of
17 age shall be distinguishable by color from an identification card issued to an
18 individual who is 18 years of age or older but under 21 years of age, and both
19 cards shall be distinguishable by color from an identification card issued to an
20 individual 21 years of age or older. An identification card issued to an
21 individual under 21 years of age shall clearly indicate, in prominent type, the

1 ~~date on which the individual will become 21. The distinguishing colors shall~~
2 be the same as those used to distinguish operator's licenses issued under
3 section 610 of this title.

4 (i) An identification card issued under this subsection to an initial or
5 renewal applicant shall include data elements as prescribed in 6 C.F.R. §
6 37.19.

7 (j) Individuals receiving Supplemental Security Income or Social Security
8 Disability Income and individuals with a disability as defined in 9 V.S.A.
9 § 4501(2) shall be provided with nondriver identification cards for the
10 following fees:

11 (1) Original issuance: \$10.00.

12 (2) Renewal every four years: \$10.00.

13 (3) Replacement of lost, destroyed, or mutilated card, or a new name is
14 required: \$5.00.

15 (k) At the option of the applicant, the applicant's valid Vermont license
16 may be surrendered in connection with an application for an identification
17 card. In those instances, the fee due under subsection (a) of this section shall
18 be reduced by:

19 (1) one-quarter of the four-year fee established by section 608 of this

20 ~~title for each remaining full year of validity, or~~

1 ~~(2) one half of the two year fee paid for each remaining full year of~~
2 ~~validity.~~

3 (1)(1) The Commissioner shall issue identification cards to Vermont
4 residents who are not U.S. citizens but are able to establish lawful presence in
5 the United States if an applicant follows the procedures and furnishes
6 documents as required under subsection 603(d) of this title and any applicable
7 policies or adopted rules, and otherwise satisfies the requirements of this
8 section. The identification cards shall expire consistent with subsection 603(d)
9 of this title.

10 (2) The Commissioner shall issue non-REAL ID compliant
11 identification cards to Vermont residents unable to establish lawful presence in
12 the United States if an applicant follows the procedures and furnishes
13 documents as required under subsection 603(e) of this title and any applicable
14 policies or adopted rules, and otherwise satisfies the requirements of this
15 section.

16 (3) The Commissioner shall issue non-REAL ID compliant
17 identification cards to Vermont residents able to establish lawful presence in
18 the United States but who otherwise fail to comply with the requirements of
19 the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201-202, if the applicant
20 ~~follows the procedures and furnishes documents as required under subsection~~

1 ~~603(f) of this title and any applicable policies or adopted rules, and otherwise~~
2 satisfies the requirements of this section.

3 (4) A non-REAL ID compliant identification card issued under
4 subdivision (2) or (3) of this subsection shall bear on its face text indicating
5 that it is not valid for federal identification or official purposes.

6 (m)(1) An individual inmate who is sentenced to serve a period of
7 imprisonment of six months or more committed to the custody of the
8 Commissioner of Corrections in a correctional facility or who is detained in a
9 correctional facility prior to adjudication for six months or more and who is
10 eligible for a nondriver identification card under the requirements of this
11 section shall, upon proper application and in advance of release from a
12 correctional facility, be provided with a nondriver identification card for a fee
13 of \$0.00. For purposes of this subsection, "inmate" and "correctional facility"
14 have the same meanings as provided in 28 V.S.A. § 3.

15 (2) As part of reentry planning, the Department of Corrections shall
16 inquire with the individual to be released about the individual's desire to
17 obtain a nondriver identification card or any driving credential, if eligible, and
18 inform the individual about the differences, including any costs to the
19 individual.

20 (3) If the individual desires a nondriver identification card, the
21 ~~Department of Corrections shall coordinate with the Department of Motor~~

1 ~~Vehicles to provide an identification card for the individual at the time of~~
2 ~~release.~~

3 (n) The Commissioner shall provide a form that, upon the individual's
4 execution, shall serve as a document of an anatomical gift under 18 V.S.A.
5 chapter 110. An indicator shall be placed on the nondriver identification card
6 of any individual who has executed an anatomical gift form in accordance with
7 this section.

8 Sec. 2. EFFECTIVE DATE

9 ~~This act shall take effect on July 1, 2026.~~

Sec. 1. 23 V.S.A. § 115 is amended to read:

§ 115. NONDRIVER IDENTIFICATION CARDS

** * **

(m)(1) An individual who is sentenced to serve a period of imprisonment of six months or more committed to the custody of the Commissioner of Corrections in a correctional facility and who is eligible for a nondriver identification card under the requirements of this section shall, upon proper application and submission of the documentation required for a non-REAL ID or REAL ID identification card and in advance of release from a correctional facility, be provided with a nondriver identification card for a fee of \$0.00.

(2) As part of reentry planning, the Department of Corrections shall inquire with the individual to be released about the individual's desire to

obtain a nondriver identification card, operator's license, or any driving credential replacement learner's permit, if eligible, and inform the individual about the differences, including any costs to the individual.

(3) If the individual desires a nondriver identification card, the Department of Corrections shall coordinate with the Department of Motor Vehicles to provide an identification card for the individual at the time of release.

(n)(1) If an individual who is detained for six months or more in a correctional facility is eligible for a nondriver identification card under the requirements of this section, the Department of Corrections, as soon as reasonably practicable, shall obtain the documentation required for a non-REAL ID or REAL ID nondriver identification card and shall provide the individual with the documentation at the time of release.

(2) The application shall include the post-release mailing address of the individual and proof that the individual is a resident of Vermont following release from the correctional facility.

(3) Upon proper application and submission of all required documentation following release from the correctional facility, an individual who was detained for six months or more in a correctional facility shall be provided with a nondriver identification card for a fee of \$0.00.

(4) The Department of Corrections shall coordinate with the Department of Motor Vehicles regarding the documentation required for an individual who is detained for six months or more in a correctional facility to obtain a non-REAL ID or REAL ID nondriver identification card.

(o) The Commissioner shall provide a form that, upon the individual's execution, shall serve as a document of an anatomical gift under 18 V.S.A. chapter 110. An indicator shall be placed on the nondriver identification card of any individual who has executed an anatomical gift form in accordance with this section.

(p) As used in this section, "correctional facility" has the same meaning as in 28 V.S.A. § 3.

Sec. 2. 23 V.S.A. § 613 is amended to read:

§ 613. REPLACEMENT LICENSE

* * *

(c)(1) An individual who is sentenced to serve a period of imprisonment of six months or more in a correctional facility who holds an unexpired license issued under the provisions of this subchapter or who held a Vermont operator's license that expired not more than three years prior shall:

(A) be eligible to apply for a replacement license pursuant to the provisions of this section; and

(B) upon proper application and submission of the documentation required for a non-REAL ID or REAL ID identification card and in advance of release from a correctional facility, be provided with a replacement operator's license for a fee of \$0.00.

(2) The application shall include the post-release mailing address of the individual and proof that the individual will be a resident of Vermont following release from the correctional facility.

(3) As part of reentry planning, the Department of Corrections shall inquire with each individual regarding whether the individual would like to obtain a nondriver identification card, operator's license, or replacement learner's permit, if eligible, and shall provide the individual with information regarding required documentation and any associated costs.

(4) If an individual would like to obtain an operator's license pursuant to the provisions of this section and is eligible, the Department of Corrections shall coordinate with the Department of Motor Vehicles to provide an operator's license to the individual at the time the individual is released from the correctional facility.

Sec. 3. 23 V.S.A. § 613 is amended to read:

§ 613. REPLACEMENT LICENSE

* * *

(d)(1) An individual who is detained for six months or more in a correctional facility shall be eligible to apply for a replacement license pursuant to the provisions of this section if, at the time the individual submits an application to obtain a replacement license pursuant to this subsection, the individual:

(A) holds an unexpired license issued under the provisions of this subchapter; or

(B) held a Vermont operator's license that expired not more than three years prior.

(2) If an individual who is detained for six months or more in a correctional facility is eligible for a replacement operator's license under the requirements of this section, the Department of Corrections, as soon as reasonably practicable, shall obtain the documentation required for a non-REAL ID or REAL ID operator's license and shall provide the individual with the documentation at the time of release.

(3) The application shall include the post-release mailing address of the individual and proof that the individual is a resident of Vermont following release from the correctional facility.

(4) Upon proper application and submission of all required documentation following release from the correctional facility, an individual

who was detained for six months or more in a correctional facility shall be provided with a replacement operator's license for a fee of \$0.00.

(5) The Department of Corrections shall coordinate with the Department of Motor Vehicles regarding the documentation required for an individual who is detained for six months or more in a correctional facility to obtain a non-REAL ID or REAL ID replacement operator's license.

(e) As used in this section, "correctional facility" has the same meaning as in 28 V.S.A. § 3.

Sec. 4. 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

* * *

(d)(1) An applicant shall pay \$24.00 to the Commissioner for each learner's permit or a duplicate or renewal thereof.

* * *

(4) A replacement learner's permit issued pursuant to subsection (g) of this section shall be issued for a fee of \$0.00.

* * *

(g)(1) An individual sentenced to serve a period of imprisonment of six months or more in a correctional facility who holds an unexpired learner's permit issued under the provisions of this section or who held a learner's

permit issued under the provisions of this section that expired not more than two years prior shall:

(A) be eligible to apply for a replacement learner's permit pursuant to the provisions of this section; and

(B) upon proper application and submission of all required documentation in advance of release from a correctional facility, be provided with a replacement learner's permit upon release.

(2) The application shall include the post-release mailing address of the individual and proof that the individual will be a resident of Vermont following release from the correctional facility.

(3) As part of reentry planning, the Department of Corrections shall inquire with each individual regarding whether the individual would like to obtain a nondriver identification card, operator's license, or replacement learner's permit, if eligible, and shall provide the individual with information regarding required documentation and any associated costs.

(4) If an individual would like to obtain a replacement learner's permit pursuant to the provisions of this section and is eligible, the Department of Corrections shall coordinate with the Department of Motor Vehicles to provide a replacement learner's permit to the individual at the time the individual is released from the correctional facility.

Sec. 5. 23 V.S.A. § 617 is amended to read:

§ 617. LEARNER'S PERMIT

** * **

(h)(1) An individual who is detained for six months or more in a correctional facility shall be eligible to apply for a replacement learner's permit pursuant to the provisions of this section if, at the time the individual submits an application to obtain a replacement learner's permit pursuant to this subsection, the individual:

(A) holds an unexpired learner's permit issued under the provisions of this section; or

(B) held a learner's permit issued under the provisions of this section that expired not more than two years prior.

(2) If an individual who is detained for six months or more in a correctional facility is eligible for a replacement learner's permit under the requirements of this section, the Department of Corrections, as soon as reasonably practicable, shall obtain the documentation required for a learner's permit and shall provide the individual with the documentation at the time of release from the correctional facility.

(3) The application shall include the post-release mailing address of the individual and proof that the individual is a resident of Vermont following release from the correctional facility.

(4) Upon proper application and submission of all required documentation following release from the correctional facility, an individual who was detained for six months or more in a correctional facility shall be provided with a replacement learner's permit for a fee of \$0.00.

(5) The Department of Corrections shall coordinate with the Department of Motor Vehicles regarding the documentation required for an individual who is detained for six months or more in a correctional facility to obtain a replacement learner's permit.

(i) As used in this section, "correctional facility" has the same meaning as in 28 V.S.A. § 3.

Sec. 6. 28 V.S.A. § 102 is amended to read:

§ 102. COMMISSIONER OF CORRECTIONS; APPOINTMENT;

POWERS; RESPONSIBILITIES

* * *

(c) The Commissioner is charged with the following responsibilities:

* * *

(25) To coordinate with the Department of Motor Vehicles to provide eligible individuals with nondriver identification cards and documentation pursuant to 23 V.S.A. § 115(m) and (n), replacement operator's licenses and documentation pursuant to 23 V.S.A. § 613(c) and (d), and replacement learner's permits and documentation pursuant to 23 V.S.A. § 617(g) and (h).

Sec. 7. EFFECTIVE DATES

(a) This section and Secs. 2 (sentenced individuals' operator's licenses), 4 (sentenced individuals' learner's permits), and 6 (DOC Commissioner responsibilities) shall take effect on July 1, 2026.

(b) Secs. 1 (nondriver identification cards), 3 (detained individuals' operator's licenses), and 5 (detained individuals' learner's permits) shall take effect on January 1, 2027.