

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

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 case

1 of minor applicants, the written consent of the applicant's parent, guardian, or  
2 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 (l) 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 nondriver 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 title  
3           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. § 37.19.

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

10 (1) Original issuance: \$10.00.

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

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

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

18 (1) one-quarter of the four-year fee established by section 608 of this  
19 title for each remaining full year of validity; or

20 (2) one-half of the two-year fee paid for each remaining full year of  
21 validity.

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

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

14           (3) The Commissioner shall issue non-REAL ID compliant  
15 identification cards to Vermont residents able to establish lawful presence in  
16 the United States but who otherwise fail to comply with the requirements of  
17 the REAL ID Act of 2005, Pub. L. No. 109-13, §§ 201-202, if the applicant  
18 follows the procedures and furnishes documents as required under subsection  
19 603(f) of this title and any applicable policies or adopted rules, and otherwise  
20 satisfies the requirements of this section.

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

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

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

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

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

6       Sec. 2. EFFECTIVE DATE

7       This act shall take effect on July 1, 2026.