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HOUSE BILL NO. 506

Offered January 12, 2022

Prefiled January 11, 2022

A BILL to amend and reenact §§ 46.2-226 and 46.2-229 of the Code of Virginia, relating to Department of Motor Vehicles; electronic credentials.

Patron—Mullin

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-226 and 46.2-229 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-226. Electronic credentials.**

A. The Department ~~may~~ *shall* issue electronic credentials to persons who hold a valid physical credential that the Department is authorized to issue, *upon written request of the person holding such credential.*

B. ~~If~~ *When* the Department issues electronic credentials, the credentials shall be issued in addition to, and not instead of, the underlying physical credentials for which a person is eligible. No electronic credential shall be issued unless the applicant holds the corresponding physical credential. Such electronic credentials shall be issued to an electronic credential system.

C. The Department may issue electronic credentials to third-party electronic credential systems if the Department first enters into an agreement with the owner of the third-party electronic credential system that sets forth the terms on which the electronic credentials may be displayed.

D. The Department may enter into agreements with an agency of the Commonwealth, another state of the United States, or the United States to grant access to the use of electronic credentials issued by such agency. The provisions of subsection B shall apply to credentials to which the Department grants such access unless, as part of the agreement permitting the Department to grant access, the other agency agrees that the Department may grant access to electronic credentials to persons not holding a corresponding physical credential.

§ 46.2-229. Verification system.

A. The Department or its agent ~~may~~ *shall* create and operate a verification system.

B. The Department may enter into agreements with other government agencies or jurisdictions issuing electronic credentials to allow for the verification of those credentials through the verification system and may also enter into agreements with other government agencies or jurisdictions or their agents operating a similar verification system for the purpose of verifying Virginia electronic credentials used in other states.

C. The Department or its agent may enter into an agreement with a person to access and search the verification system. Any such agreement shall require, at a minimum, that the person to whom the Department is granting access agree to search the system only in compliance with the requirements of this section and to take appropriate measures to protect the credential holder's privacy.

D. A person who has entered into an agreement with the Department to access and search the verification system, and who has been presented with an electronic credential or profile, may search the verification system to verify the validity and accuracy of the electronic credential or profile that has been presented if the electronic credential holder consents to the search.

E. Following a search of the verification system made by a person with whom it has entered into an agreement pursuant to subsection C, the Department may release through the verification system a verification of those data fields that the electronic credential holder has consented to be verified.

INTRODUCED

HB506