

HOUSE BILL NO. 864

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate Lopez)

A BILL to amend and reenact §§ 54.1-116 and 63.2-1937 of the Code of Virginia, relating to professions and occupations; proof of identity.

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-116 and 63.2-1937 of the Code of Virginia are amended and reenacted as follows:**

**§ 54.1-116. Applicants to include proof of identity; exemption.**

A. Every applicant for a license, certificate, registration, or other authorization to engage in a business, trade, profession, or occupation issued by the Commonwealth pursuant to this title, and every applicant for renewal thereof, shall provide on with the application either his social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 proof of identity that includes a government-issued identification card or driver's license, or other photo identification, along with documentation of the applicant's current address. An initial application or renewal application ~~which~~ that does not include either identifying number proof of identity shall not be considered or acted upon by the issuing entity, and no refund of any fees paid with the application shall be granted.

B. Notwithstanding the provisions of subsection A, a health regulatory board of the Department of Health Professions shall require an application to include either a social security number or a control number issued by the Department of Motor Vehicles pursuant to § 46.2-342 for every applicant and may issue a temporary license or authorization to practice, effective for not longer than 90 days, to an otherwise qualified applicant for a license, certificate, or registration who is a foreign national and cannot provide a social security number or control number at the time of application.

**§ 63.2-1937. Applications for occupational or other license to include proof of identity; suspension upon delinquency; procedure.**

27 Every initial application for or application for renewal of a license, certificate, registration, or other  
28 authorization to engage in a business, trade, profession, or occupation issued by the Commonwealth  
29 pursuant to Titles 22.1, 38.2, 46.2, or 54.1 or any other provision of law shall require that the applicant  
30 provide ~~his social security number or a control number issued by the Department of Motor Vehicles~~  
31 pursuant to § 46.2-342 proof of identity that includes a government-issued identification card or driver's  
32 license, or other photo identification, along with documentation of the applicant's current address, except  
33 a health regulatory board of the Department of Health Professions shall require an application to include  
34 either a social security number or a control number issued by the Department of Motor Vehicles pursuant  
35 to § 46.2-342 for every applicant.

36 Upon 30 days' notice to an obligor who (i) has failed to comply with a subpoena, summons, or  
37 warrant relating to paternity or child support proceedings or (ii) is alleged to be delinquent in the payment  
38 of child support by a period of 90 days or more or for \$5,000 or more, an obligee or the Department on  
39 behalf of an obligee, may petition either the court that entered or the court that is enforcing the order for  
40 child support for an order suspending any license, certificate, registration, or other authorization to engage  
41 in a business, trade, profession, ~~or~~, occupation, or recreational activity issued to the obligor by the  
42 Commonwealth pursuant to Titles 22.1, 29.1, 38.2, 46.2, or 54.1 or any other provision of law. The notice  
43 shall be sent in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, by certified mail,  
44 with proof of actual receipt, or by electronic means. The notice shall specify that (a) the obligor has 30  
45 days from the date of receipt to comply with the subpoena, summons, or warrant or pay the delinquency  
46 or to reach an agreement with the obligee or the Department to pay the delinquency and (b) if compliance  
47 is not forthcoming or payment is not made or an agreement cannot be reached within that time, a petition  
48 will be filed seeking suspension of any license, certificate, registration, or other authorization to engage  
49 in a business, trade, profession, ~~or~~, occupation, or recreational license issued by the Commonwealth to the  
50 obligor.

51 The court shall not suspend a license, certificate, registration, or authorization upon finding that  
52 an alternate remedy is available to the obligee or the Department that is likely to result in collection of the  
53 delinquency. Further, the court may refuse to order the suspension upon finding that (1) suspension would

54 result in irreparable harm to the obligor or employees of the obligor or would not result in collection of  
55 the delinquency or (2) the obligor has made a demonstrated, good faith effort to reach an agreement with  
56 the obligee or the Department.

57 If the court finds that the obligor is delinquent in the payment of child support by 90 days or more  
58 or in an amount of \$5,000 or more and holds a license, certificate, registration<sub>2</sub> or other authority to engage  
59 in a business, trade, profession~~or~~<sub>2</sub> occupation<sub>2</sub> or recreational activity issued by the Commonwealth, it  
60 shall order suspension. The order shall require the obligor to surrender any license, certificate, registration<sub>2</sub>  
61 or other such authorization to the issuing entity within 90 days of the date on which the order is entered.  
62 If at any time after entry of the order the obligor (A) pays the delinquency or (B) reaches an agreement  
63 with the obligee or the Department to satisfy the delinquency within a period not to exceed 10 years and  
64 makes at least one payment, representing at least five percent of the total delinquency or \$500, whichever  
65 is greater, pursuant to the agreement, or (C) complies with the subpoena, summons<sub>2</sub> or warrant or reaches  
66 an agreement with the Department with respect to the subpoena, summons<sub>2</sub> or warrant, upon proof of  
67 payment or certification of the compliance or agreement, the court shall order reinstatement. Payment  
68 shall be proved by certified copy of the payment record issued by the Department or notarized statement  
69 of payment signed by the obligee. No fee shall be charged to a person who obtains reinstatement of a  
70 license, certificate, registration<sub>2</sub> or authorization pursuant to this section.

71 #