

DEPARTMENT OF MOTOR VEHICLES  
EMERGENCY REGULATION

Summary:

The Department of Motor Vehicles (DMV) is proposing an emergency regulation to amend 24VAC20-70-30 by repealing section "D" thereby removing the Residency Certification (DL-51) as a document that may be utilized for providing proof of residency in the Commonwealth for the driver's license and identification card application process.

Statutory Authority:

Pursuant to Va. Code §§ 46.2-203, 46.2-323 and 46.2-345, the Department of Motor Vehicles is authorized to adopt regulations to determine the means by which applicants prove that they are residents of the Commonwealth.

Statement of Need for an Emergency Regulation:

The subject regulations were implemented in 1994 in response to legislation which created a new residency requirement for obtaining a Virginia driver's license or identification card and which permitted, but did not require, the agency to promulgate regulations pertaining to proof of residency. The DL-51 was included as an acceptable means for proving residency in order to enable immigrants, who may have left their native country under extreme circumstances and without identification to legitimately apply for and receive driver's licenses and identification cards.

Over the last few years the DL-51 has been subject to widespread abuse and fraud, primarily by an industry consisting of criminal organizations and facilitators who assist immigrants in obtaining Virginia driver's license and/or identification cards by fraudulent means. These organizations and facilitators victimize immigrants by charging them large sums for assistance in obtaining driver's licenses and identification cards and by encouraging the immigrants to, in the application process, submit falsified DL-51s which have been executed by facilitators or their agents who attest to the false information contained therein. The magnitude of this abuse is evidenced by the recent trial and conviction of Jennifer Wrenn in U.S. District Court. Wrenn had established a lucrative business, in which thousands of victims were brought to Virginia from New Jersey, New York and Maryland on a routine basis in order to obtain a Virginia driver's license or identification card by fraudulent means. The primary defense put forth by Wrenn was the assertion that DMV promoted or encouraged this activity by virtue of the fact that the agency had created and permitted the use of the DL-51. Federal prosecutors in the Wrenn case strongly encourage elimination of the DL-51.

Emergency amendment of 24VAC20-70-30 is necessary address an immanent threat to public health and safety. The abuse and misuse of the DL-51 by criminal organizations, facilitators and their agents results in the issuance of driver's licenses and identification cards based upon false identity and/or address information and poses a threat to public health and safety by hindering the ability of DMV and law enforcement to accurately identify and locate

individuals. In addition, as long as the DL-51 is utilized in the driver's license and identification card application process, criminal organizations, facilitators and their agents will continue to utilize the process to victimize immigrants seeking such documentation. Abuse of the DL-51 is potentially widespread and is increasing at such an alarming rate that the only feasible means of eliminating abuse is to terminate use of the form immediately. Because of the large numbers of DL-51s which are submitted to DMV, the alternative of implementing detection and enforcement procedures is not feasible.

This emergency regulation shall become effective on 9/21/01.