

Department of Motor Vehicles
Proposed Repeal of Regulations

CHAPTER 70

~~REGULATIONS GOVERNING REQUIREMENTS FOR PROOF OF RESIDENCY TO
OBTAIN A VIRGINIA DRIVER'S LICENSE OR PHOTO IDENTIFICATION CARD~~

~~Research and Practice References~~

~~7A Am Jur 2d, Automobiles and Highway Traffic §§96-97, 99-103 (licensing and registration—
licensing of drivers or operators—in general), 109 (licensing and registration—licensing of drivers
or operators—qualifications for license), 112-113 (licensing and registration—licensing of drivers
or operators—suspension, revocation, and reinstatement of licenses—suspension and revocation in
general).~~

~~United States Supreme Court~~

~~Commerce clause, federal legislation restricting states' sale or release of drivers' personal
information, Tenth Amendment federalism, see Reno v. Condon, 2000, 120 S.Ct. 666.~~

~~24VAC20-70-10. Purpose of regulations.~~

~~The purpose of this chapter is to establish the process that will be used and the documentation
that will be required by the Department of Motor Vehicles for proof of residency in the
Commonwealth of Virginia when applying for a Virginia driver's license, commercial driver's
license, photo identification card, learner's permit or temporary driver's permit.~~

~~Statutory Authority~~

~~§§46.2-203, 46.2-323, 46.2-345, and 46.2-348 of the Code of Virginia.~~

~~Historical Notes~~

~~Derived from VR485-50-9302 §1; eff. July 1, 1994.~~

~~24VAC20-70-20. Definitions.~~

~~The following words or terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:~~

~~"Department" means the Virginia Department of Motor Vehicles.~~

~~"Duplicate original" means a reproduction of a document previously issued to an individual, which reproduction is intended to serve as an original. It does not mean photocopies or facsimiles of an original document.~~

~~"Original" means the first production of a document issued to an individual.~~

~~"Principal residence" means the address at which a person lives. A person must occupy the residence as his home. A person may have only one principal residence. A post office box or other mailing address (such as a business address) will not be considered a principal residence. A principal residence includes, by way of example, but not by way of limitation, the residence which a person owns, rents or is purchasing, and is the residence for which a person receives utility bills in his name.~~

~~"Resident" means any person whose principal residence is in the Commonwealth of Virginia and who certifies on his application for a Virginia driver's license, commercial driver's license, photo identification card, learner's permit or temporary driver's permit that he lives at that address as his principal residence.~~

~~"Valid document" means an unexpired, authentic document that has not been tampered with or altered and which has not been acquired through fraud, theft or other illegal means.~~

~~Statutory Authority~~

~~§§46.2-203, 46.2-323, 46.2-345, and 46.2-348 of the Code of Virginia.~~

~~Historical Notes~~

~~Derived from VR485-50-9302 §2; eff. July 1, 1994.~~

~~24VAC20-70-30. Acceptable documentation for providing proof of residency in the Commonwealth of Virginia.~~

~~A. The applicant shall be required to furnish, as proof of residency in the Commonwealth of Virginia, one valid original or duplicate original document that contains the address of his principal residence. This address must be within the Commonwealth of Virginia.~~

~~B. This document must be written in English, and must contain the name and principal residence address of the applicant as it appears on the application for the driver's license, commercial driver's license, photo identification card, learner's permit or temporary driver's permit.~~

~~C. The following documents may be accepted as proof of residency, provided that they show the applicant's principal residence as an integral part of the document:~~

~~1. A payroll check or payroll check stub issued by an employer within two months of the application;~~

~~2. A voter registration card;~~

~~3. A W-2 tax form used for reporting purposes to the United States Internal Revenue Service which is not more than 18 months old;~~

~~4. A bank statement (not checks) that is not more than two months old;~~

~~5. A United States passport;~~

~~6. A United States income tax return from the previous year;~~

~~7. A Commonwealth of Virginia income tax return for the previous year;~~

~~8. Utility bills issued to the applicant;~~

~~9. A receipt for personal property taxes or real estate taxes paid to the Commonwealth of Virginia or a city, county, town, or locality within the Commonwealth of Virginia within the last year;~~

~~10. An automobile or life insurance policy which is currently in force;~~

~~11. A transcript from a school, college or university in which the applicant is currently enrolled;~~

~~12. A Virginia driver's license or identification card or permit issued on or after July 1, 1994;~~

~~13. A Virginia motor vehicle registration or a Virginia title for a vehicle owned by the applicant.~~

~~D. If the applicant does not have access to any of the documents listed in subsection C of this section, he may obtain from the department a "Residency Certification" form (form DL 51) and have it completed by an individual who possesses a Virginia driver's license, commercial driver's license, or photo identification card, and who is willing to certify that the applicant is also a Virginia resident. In the case of military personnel, the form may be completed by the applicant's commanding officer certifying that the applicant is a Virginia resident; the commanding officer is not required to possess a Virginia driver's license, commercial driver's license, or photo identification card. This document must be signed and sworn to before a Notary Public or before a department employee.~~

~~E. If any document presented to the Department of Motor Vehicles (including a Virginia driver's license) pursuant to this chapter was issued more than three months prior to the date of the application, then the applicant must certify that his principal residence remains as shown on the document.~~

~~Statutory Authority~~

~~§§46.2-203, 46.2-323, 46.2-345, and 46.2-348 of the Code of Virginia.~~

~~Historical Notes~~

~~Derived from VR485-50-9302 §3; eff. July 1, 1994.~~

~~24VAC20-70-40. Unacceptable documentation.~~

~~A. The department will not accept as proof of residency any document when there is reason to believe it has been altered, fraudulently obtained, or is fake, forged, counterfeit or otherwise nongenuine or illegitimate.~~

~~B. Notwithstanding any provisions of this chapter, the department may require additional documentation when there is reason to suspect fraudulent, fake, forged, altered, or otherwise nongenuine or illegitimate documents have been submitted.~~

~~Statutory Authority~~

~~§§46.2-203, 46.2-323, 46.2-345, and 46.2-348 of the Code of Virginia.~~

~~Historical Notes~~

~~Derived from VR485-50-9302 §4; eff. July 1, 1994.~~

~~24VAC20-70-50. False certification by another.~~

~~Any person who falsely certifies that any applicant is a Virginia resident shall be subject to the penalties specified in §46.2-348 of the Code of Virginia for fraud or false statements in applications for licenses.~~

~~Statutory Authority~~

~~§§46.2-203, 46.2-323, 46.2-345, and 46.2-348 of the Code of Virginia.~~

~~Historical Notes~~

~~Derived from VR485-50-9302 §5; eff. July 1, 1994.~~