

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2458**

BY DELEGATES KUMP, HOUSEHOLDER, MCGEEHAN,

COOPER AND MALCOLM

[Introduced January 16, 2019; Referred  
to the Committee on Technology and Infrastructure  
then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §17B-8-1, relating to providing that West Virginia will not participate in the  
3 REAL ID Act of 2005 enacted by the United States Congress in Public Law 109-13.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 8. DIVISION NOT TO PERFORM CERTAIN ACTS.**

**§17B-8-1. Legislative finding; prohibiting implementation of REAL ID Act.**

1 The Legislature finds that the enactment into law by the United States Congress of the  
2 REAL ID Act of 2005, as part of Public Law 109-13, is inimical to the security and well-being of  
3 the people of West Virginia, will cause unneeded expense and inconvenience to the people of  
4 this state and was adopted by the United States Congress in violation of the principles of  
5 federalism contained in the Tenth Amendment to the Constitution of the United States.

6 The State of West Virginia may not participate in the mandatory implementation of the  
7 REAL ID Act of 2005 insofar as it requires the establishment of national standards for state-issued  
8 driver's license and nondriver identification cards. The Department of Transportation, including  
9 the Division of Motor Vehicles, is directed to cease mandatory implementation of the provisions  
10 of the REAL ID Act of 2005 insofar as it requires the establishment of national standards for state-  
11 issued driver's license and nondriver identification cards and to report to the Governor any attempt  
12 by agencies or agents of the United States Department of Homeland Security to secure the  
13 implementation portion of the REAL ID Act of 2005 through the operations of that division.  
14 Citizens may obtain a REAL ID Act state-issued driver's license or nondriver identification cards  
15 from the Division of Motor Vehicles, only if they so desire.

NOTE: The purpose of this bill is to provide that West Virginia will not participate in the REAL ID Act of 2005 enacted by the United States Congress in Public Law 109-13.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.