



COMMONWEALTH of VIRGINIA

Office of the Governor

P.O. Box 1475
Richmond, Virginia 23218

Pierce R. Homer
Secretary of Transportation

(804) 786-8032
Fax: (804) 786-6683
TTY: (800) 828-1120

July 23, 2007

Mr. David A. Carmichael
1748 Old Buckroe Road
Hampton, Virginia 23664

Dear Mr. Carmichael:

Governor Kaine has asked me to thank you for and respond to your most recent letter. You wrote to the Governor in response to my earlier letter to you of June 20, 2007 regarding your request for a religious exemption for yourself, your wife, and your children from the statutory requirement that a social security number be provided on all applications for driver's licenses.

Virginia law mandates that all applications for driver's licenses contain the social security number of the applicant. Applicants for a commercial driver's license are required to provide their social security number by both state and federal law. At present, there is no legal basis upon which to exempt an applicant from compliance with this requirement.

The provision in Section 46.2-323(B) of the Code of Virginia, upon which you rely, does not apply to the statutory requirement that a social security number be stated on the driver's license application. As you noted, the provision says: "The Commissioner may, on a case-by-case basis, waive any provision of such **regulations** for good cause shown." (Emphasis added.) This grant of discretion applies only to the application of the **regulations** that the Commissioner is authorized to adopt regarding proof of Virginia residency. It does not apply to any of the application requirements set forth in the first paragraph of Section 46.2-323(B).

Again, neither the Governor nor I can provide a positive response to your request.

Sincerely,

A handwritten signature in black ink that reads "Pierce R. Homer".

Pierce R. Homer

PRH:es

Copy: Mr. D. B. Smit, DMV Commissioner