

**PENALTIES FOR FALSE DRIVER LICENSES
AND IDENTIFICATION CARDS**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Carlene M. Walker

LONG TITLE

General Description:

This bill modifies the Driver Licensing Act and the Identification Card Act by amending provisions related to false information on or the use of false driver license certificates and identification cards.

Highlighted Provisions:

This bill:

▶ provides that it is a class B misdemeanor to:

• knowingly possess, acquire, use, display, or transfer an item that purports to be a validly issued driver license certificate or identification card if the item is not validly issued; or

• alter any information contained on a validly issued driver license certificate or identification card so that it no longer represents the information originally displayed;

▶ provides that it is a third degree felony if a person's possession, acquisition, use, display, or transfer of a false or altered driver license certificate or identification card aids or furthers the person's efforts to fraudulently obtain goods or services;

▶ provides that it is a second degree felony if a person's possession, acquisition, use, display, or transfer of a false or altered driver license certificate or identification card aids or furthers the person's efforts to commit a violent felony;

▶ provides that the Driver License Division may immediately deny, suspend,



28 disqualify, or revoke the license of any person if the division has been notified or has reason to
29 believe the person knowingly possessed, acquired, used, displayed, or transferred an item that
30 purports to be a validly issued driver license certificate if the item is not validly issued; and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53-3-221**, as last amended by Chapter 200, Laws of Utah 2002

39 **53-3-229**, as last amended by Chapter 146, Laws of Utah 2002

40 **53-3-810**, as last amended by Chapter 146, Laws of Utah 2002



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **53-3-221** is amended to read:

44 **53-3-221. Offenses which may result in denial, suspension, disqualification, or**
45 **revocation of license without hearing -- Additional grounds for suspension -- Point system**
46 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

47 (1) By following the emergency procedures in Title 63, Chapter 46b, Administrative
48 Procedures Act, the division may immediately deny, suspend, disqualify, or revoke the license
49 of any person without hearing and without receiving a record of the person's conviction of
50 crime when the division has been notified or has reason to believe the person:

51 (a) has committed any offenses for which mandatory suspension or revocation of a
52 license is required upon conviction under Section 53-3-220;

53 (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an
54 accident resulting in death or injury to any other person, or serious property damage;

55 (c) is incompetent to drive a motor vehicle or is afflicted with mental or physical
56 infirmities or disabilities rendering it unsafe for the person to drive a motor vehicle upon the
57 highways;

58 (d) has committed a serious violation of the motor vehicle laws of this state;

59 (e) has knowingly possessed, acquired, used, displayed, or transferred an item that
60 purports to be a valid driver license certificate issued by the division if the item is not a valid
61 driver license certificate or has permitted an unlawful use of the license as [~~defined in~~
62 prohibited under Section 53-3-229; or

63 (f) has been convicted of serious offenses against traffic laws governing the movement
64 of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard
65 for the safety of other persons on the highways.

66 (2) (a) The division may suspend the license of a person under Subsection (1) when the
67 person has failed to comply with the terms stated on a traffic citation issued in this state, except
68 this Subsection (2) does not apply to highway weight limit violations or violations of law
69 governing the transportation of hazardous materials.

70 (b) This Subsection (2) applies to parking and standing violations only if a court has
71 issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy
72 the terms of the citation.

73 (c) (i) This Subsection (2) may not be exercised unless notice of the pending
74 suspension of the driving privilege has been sent at least ten days previously to the person at
75 the address provided to the division.

76 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not
77 contain any evidence of a suspension that occurred as a result of failure to comply with the
78 terms stated on a traffic citation.

79 (3) (a) The division may suspend the license of a person under Subsection (1) when the
80 division has been notified by a court that the person has an outstanding unpaid fine, an
81 outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a
82 court.

83 (b) The suspension remains in effect until the division is notified by the court that the
84 order has been satisfied.

85 (c) After clearance by the division, a report authorized by Section 53-3-104 may not
86 contain any evidence of the suspension.

87 (4) The division shall make rules establishing a point system as provided for in this
88 Subsection (4).

89 (a) (i) The division shall assign a number of points to each type of moving traffic

90 violation as a measure of its seriousness.

91 (ii) The points shall be based upon actual relationships between types of traffic
92 violations and motor vehicle traffic accidents.

93 (b) Every person convicted of a traffic violation shall have assessed against his driving
94 record the number of points that the division has assigned to the type of violation of which the
95 person has been convicted, except that the number of points assessed shall be decreased by
96 10% if on the abstract of the court record of the conviction the court has graded the severity of
97 violation as minimum, and shall be increased by 10% if on the abstract the court has graded the
98 severity of violation as maximum.

99 (c) (i) A separate procedure for assessing points for speeding offenses shall be
100 established by the division based upon the severity of the offense.

101 (ii) The severity of a speeding violation shall be graded as:

102 (A) "minimum" for exceeding the posted speed limit by up to ten miles per hour;

103 (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per
104 hour; and

105 (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.

106 (iii) Consideration shall be made for assessment of no points on minimum speeding
107 violations, except for speeding violations in school zones.

108 (d) (i) Points assessed against a person's driving record shall be deleted for violations
109 occurring before a time limit set by the division.

110 (ii) The time limit may not exceed three years.

111 (iii) The division may also delete points to reward violation-free driving for periods of
112 time set by the division.

113 (e) (i) By publication in two newspapers having general circulation throughout the
114 state, the division shall give notice of the number of points it has assigned to each type of
115 traffic violation, the time limit set by the division for the deletion of points, and the point level
116 at which the division will generally take action to deny or suspend under this section.

117 (ii) The division may not change any of the information provided above regarding
118 points without first giving new notice in the same manner.

119 (5) (a) (i) Upon denying or suspending the license of a person under this section, the
120 division shall immediately notify the licensee in a manner specified by the division and afford

121 him an opportunity for a hearing in the county where the licensee resides.

122 (ii) The hearing shall be documented, and the division or its authorized agent may
123 administer oaths, may issue subpoenas for the attendance of witnesses and the production of
124 relevant books and papers, and may require a reexamination of the licensee.

125 (iii) One or more members of the division may conduct the hearing, and any decision
126 made after a hearing before any number of the members of the division is as valid as if made
127 after a hearing before the full membership of the division.

128 (iv) After the hearing the division shall either rescind its order of denial or suspension,
129 extend the denial or suspension of the license, or revoke the license.

130 (b) The denial or suspension of the license remains in effect pending qualifications
131 determined by the division regarding a person:

132 (i) whose license has been denied or suspended following reexamination;

133 (ii) who is incompetent to drive a motor vehicle;

134 (iii) who is afflicted with mental or physical infirmities that might make him dangerous
135 on the highways; or

136 (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.

137 (6) (a) The division may suspend or revoke the license of any resident of this state
138 upon receiving notice of the conviction of that person in another state of an offense committed
139 there that, if committed in this state, would be grounds for the suspension or revocation of a
140 license.

141 (b) The division may, upon receiving a record of the conviction in this state of a
142 nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws
143 of this state, forward a certified copy of the record to the motor vehicle administrator in the
144 state where the person convicted is a resident.

145 (7) (a) The division may suspend or revoke the license of any nonresident to drive a
146 motor vehicle in this state for any cause for which the license of a resident driver may be
147 suspended or revoked.

148 (b) Any nonresident who drives a motor vehicle upon a highway when his license has
149 been suspended or revoked by the division is guilty of a class C misdemeanor.

150 (8) (a) The division may not deny or suspend the license of any person for a period of
151 more than one year except:

- 152 (i) for failure to comply with the terms of a traffic citation under Subsection (2);
- 153 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges
- 154 under Section 53-3-219;
- 155 (iii) when extending a denial or suspension upon receiving certain records or reports
- 156 under Subsection 53-3-220(2); and
- 157 (iv) for failure to give and maintain owner's or operator's security under Section
- 158 41-12a-411.
- 159 (b) The division may suspend the license of a person under Subsection (2) until he
- 160 shows satisfactory evidence of compliance with the terms of the traffic citation.
- 161 (9) (a) By following the emergency procedures in Title 63, Chapter 46b,
- 162 Administrative Procedures Act, the division may immediately suspend the license of any
- 163 person without hearing and without receiving a record of his conviction for a crime when the
- 164 division has reason to believe that the person's license was granted by the division through
- 165 error or fraud or that the necessary consent for the license has been withdrawn or is terminated.
- 166 (b) The procedure upon suspension is the same as under Subsection (5), except that
- 167 after the hearing the division shall either rescind its order of suspension or cancel the license.
- 168 (10) (a) The division, having good cause to believe that a licensed driver is
- 169 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified
- 170 by the division of at least five days to the licensee require him to submit to an examination.
- 171 (b) Upon the conclusion of the examination the division may suspend or revoke the
- 172 person's license, permit him to retain the license, or grant a license subject to a restriction
- 173 imposed in accordance with Section 53-3-208.
- 174 (c) Refusal or neglect of the licensee to submit to an examination is grounds for
- 175 suspension or revocation of his license.
- 176 (11) A report authorized by Section 53-3-104 may not contain any evidence of a
- 177 conviction for speeding on an interstate system in this state if the conviction was for a speed of
- 178 ten miles per hour or less, above the posted speed limit and did not result in an accident, unless
- 179 authorized in a manner specified by the division by the individual whose report is being
- 180 requested.
- 181 (12) (a) By following the emergency procedures in Title 63, Chapter 46b,
- 182 Administrative Procedures Act, the division may immediately suspend the license of a person

183 if it has reason to believe that the person is the owner of a motor vehicle for which security is
184 required under Title 41, Chapter 12a, [~~Motor Vehicle~~] Financial Responsibility of Motor
185 Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be
186 driven within this state without the security being in effect.

187 (b) Section 41-12a-411 regarding the requirement of proof of owner's or operator's
188 security applies to persons whose driving privileges are suspended under this Subsection (12).

189 (c) If the division exercises the right of immediate suspension granted under this
190 Subsection (12), the notice and hearing provisions of Subsection (5) apply.

191 (d) A person whose license suspension has been sustained or whose license has been
192 revoked by the division under this subsection may file a request for agency action requesting a
193 hearing.

194 (13) Any suspension or revocation of a person's license under this section also
195 disqualifies any license issued to that person under Part 4 of this chapter.

196 Section 2. Section **53-3-229** is amended to read:

197 **53-3-229. Prohibited uses of license certificate -- Penalty.**

198 (1) It is a class C misdemeanor for a person to:

199 (a) lend or knowingly permit the use of a license certificate issued to [~~him~~] the person,
200 by a person not entitled to it;

201 (b) display or to represent as [~~his~~] the person's own a license certificate not issued to
202 [~~him~~] the person;

203 (c) refuse to surrender to the division or a peace officer upon demand any license
204 certificate issued by the division;

205 (d) use a false name or give a false address in any application for a license or any
206 renewal or duplicate of the license certificate, or to knowingly make a false statement, or to
207 knowingly conceal a material fact or otherwise commit a fraud in the application; or

208 [~~(e) alter the date of birth on any license certificate issued to him; or~~]

209 [~~(f)~~] (e) display a canceled, denied, revoked, suspended, or disqualified driver license
210 certificate as a valid driver license certificate.

211 (2) The provisions of Subsection (1)[~~(f)~~](e) do not prohibit the use of a person's driver
212 license certificate as a means of personal identification.

213 (3) It is a class B misdemeanor for a person to:

214 (a) knowingly possess, acquire, use, display, or transfer an item that purports to be a
215 driver license certificate issued by the division if the item is not a valid driver license certificate
216 issued under this chapter; or

217 (b) alter any information contained on a validly issued driver license certificate so that
218 it no longer represents the information originally displayed.

219 (4) It is a third degree felony if a person's possession, acquisition, use, display, or
220 transfer of a false or altered driver license certificate aids or furthers the actor's efforts to
221 fraudulently obtain goods or services.

222 (5) It is a second degree felony if a person's possession, acquisition, use, display, or
223 transfer of a false or altered driver license certificate aids or furthers the person's efforts to
224 commit a violent felony.

225 Section 3. Section **53-3-810** is amended to read:

226 **53-3-810. Prohibited uses of identification card -- Penalties.**

227 (1) It is a class C misdemeanor to:

228 ~~[(1)]~~ (a) lend or knowingly permit the use of an identification card issued to [him] a
229 person, by a person not entitled to it;

230 ~~[(2)]~~ (b) display or to represent as [his] the person's own an identification card not
231 issued to [him] the person;

232 ~~[(3)]~~ (c) refuse to surrender to the division or a peace officer upon demand any
233 identification card issued by the division;

234 ~~[(4)]~~ (d) use a false name or give a false address in any application for an identification
235 card or any renewal or duplicate of the identification card, or to knowingly make a false
236 statement, or to knowingly conceal a material fact in the application;

237 ~~[(5) alter the date of birth on any identification card issued to him;]~~

238 ~~[(6)]~~ (e) display a revoked identification card as a valid identification card; or

239 ~~[(7)]~~ (f) knowingly issue an adult identification card to any person younger than 21
240 years of age.

241 (2) It is a class B misdemeanor for a person to:

242 (a) knowingly possess, acquire, use, display, or transfer an item that purports to be an
243 identification card issued by the division if the item is not a valid identification card issued
244 under this chapter; or

245 (b) alter any information contained on a validly issued identification card so that it no
246 longer represents the information originally displayed.

247 (3) It is a third degree felony if a person's possession, acquisition, use, display, or
248 transfer of a false or altered identification card aids or furthers the actor's efforts to fraudulently
249 obtain goods or services.

250 (4) It is a second degree felony if a person's possession, acquisition, use, display, or
251 transfer of a false or altered identification card aids or furthers the person's efforts to commit a
252 violent felony.

Legislative Review Note
as of 2-4-05 3:56 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

The increased penalty schedule created by the bill will impact the Department of Corrections. It is estimated that the Department of Corrections will require General Fund appropriations of \$34,400 in FY 2006; \$51,200 in FY 2007; and \$62,200 in FY 2008 and each fiscal year thereafter to implement provisions of this bill.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$34,400	\$51,200	\$0	\$0
TOTAL	\$34,400	\$51,200	\$0	\$0

Individual and Business Impact

No fiscal impact for individuals who comply with provisions of the bill.
