

**Senator Carlene M. Walker** proposes the following substitute bill:

**PENALTIES FOR FALSE DRIVER LICENSES**

**AND IDENTIFICATION CARDS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carlene M. Walker**

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**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 or identification cards.

**Highlighted Provisions:**

This bill:

- ▶ provides that it is a class C misdemeanor to:
  - knowingly acquire, use, display, or transfer an item that purports to be an authentic driver license certificate or identification card if the item is not authentic; or
  - alter any information contained on an authentic driver license certificate or identification card so that it no longer represents the information originally displayed;
- ▶ provides that it is a class A misdemeanor to:
  - knowingly issue a driver license certificate or identification card with false or fraudulent information;
  - knowingly issue a driver license certificate or identification card to a person younger than 21 years of age if the license or identification card is not



26 distinguished by use of format and printing; or

27           • knowingly use, display, or transfer a false or altered driver license certificate or  
28 identification card to procure cigarettes, tobacco, or tobacco products;

29           ▶ provides that a person may not use a false or altered driver license certificate or  
30 identification card to procure alcoholic beverages, gain admittance to a place where  
31 alcoholic beverages are sold, or obtain any employment that may not be obtained by  
32 a minor;

33           ▶ provides that it is a third degree felony if a person's acquisition, use, display, or  
34 transfer of a false or altered driver license certificate or identification card:

35           • aids or furthers the person's efforts to fraudulently obtain goods or services; or

36           • aids or furthers the person's efforts to commit a violent felony;

37           ▶ provides that the Driver License Division may immediately deny, suspend,  
38 disqualify, or revoke the license of any person if the division has been notified or  
39 has reason to believe the person knowingly acquired, used, displayed, or transferred  
40 an item that purports to be an authentic driver license if the item is not authentic;  
41 and

42           ▶ makes technical changes.

43 **Monies Appropriated in this Bill:**

44           None

45 **Other Special Clauses:**

46           None

47 **Utah Code Sections Affected:**

48 AMENDS:

49           **53-3-221**, as last amended by Chapter 200, Laws of Utah 2002

50           **53-3-229**, as last amended by Chapter 146, Laws of Utah 2002

51           **53-3-810**, as last amended by Chapter 146, Laws of Utah 2002



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

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

55           **53-3-221. Offenses which may result in denial, suspension, disqualification, or**  
56 **revocation of license without hearing -- Additional grounds for suspension -- Point system**

57 **for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.**

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

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

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

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

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

70 (e) has knowingly acquired, used, displayed, or transferred an item that purports to be  
71 an authentic driver license certificate issued by a governmental entity if the item is not an  
72 authentic driver license certificate or has permitted an unlawful use of the license as [defined  
73 in] prohibited under Section 53-3-229; or

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

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

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

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

87 (ii) After clearance by the division, a report authorized by Section 53-3-104 may not

88 contain any evidence of a suspension that occurred as a result of failure to comply with the  
89 terms stated on a traffic citation.

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

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

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

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

100 (a) (i) The division shall assign a number of points to each type of moving traffic  
101 violation as a measure of its seriousness.

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

104 (b) Every person convicted of a traffic violation shall have assessed against his driving  
105 record the number of points that the division has assigned to the type of violation of which the  
106 person has been convicted, except that the number of points assessed shall be decreased by  
107 10% if on the abstract of the court record of the conviction the court has graded the severity of  
108 violation as minimum, and shall be increased by 10% if on the abstract the court has graded the  
109 severity of violation as maximum.

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

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

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

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

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

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

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

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

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

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

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

130 (5) (a) (i) Upon denying or suspending the license of a person under this section, the  
131 division shall immediately notify the licensee in a manner specified by the division and afford  
132 him an opportunity for a hearing in the county where the licensee resides.

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

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

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

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

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

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

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

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

148 (6) (a) The division may suspend or revoke the license of any resident of this state  
149 upon receiving notice of the conviction of that person in another state of an offense committed

150 there that, if committed in this state, would be grounds for the suspension or revocation of a  
151 license.

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

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

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

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

163 (i) for failure to comply with the terms of a traffic citation under Subsection (2);

164 (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges  
165 under Section 53-3-219;

166 (iii) when extending a denial or suspension upon receiving certain records or reports  
167 under Subsection 53-3-220(2); and

168 (iv) for failure to give and maintain owner's or operator's security under Section  
169 41-12a-411.

170 (b) The division may suspend the license of a person under Subsection (2) until he  
171 shows satisfactory evidence of compliance with the terms of the traffic citation.

172 (9) (a) By following the emergency procedures in Title 63, Chapter 46b,  
173 Administrative Procedures Act, the division may immediately suspend the license of any  
174 person without hearing and without receiving a record of his conviction for a crime when the  
175 division has reason to believe that the person's license was granted by the division through  
176 error or fraud or that the necessary consent for the license has been withdrawn or is terminated.

177 (b) The procedure upon suspension is the same as under Subsection (5), except that  
178 after the hearing the division shall either rescind its order of suspension or cancel the license.

179 (10) (a) The division, having good cause to believe that a licensed driver is  
180 incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified

181 by the division of at least five days to the licensee require him to submit to an examination.

182 (b) Upon the conclusion of the examination the division may suspend or revoke the  
183 person's license, permit him to retain the license, or grant a license subject to a restriction  
184 imposed in accordance with Section 53-3-208.

185 (c) Refusal or neglect of the licensee to submit to an examination is grounds for  
186 suspension or revocation of his license.

187 (11) A report authorized by Section 53-3-104 may not contain any evidence of a  
188 conviction for speeding on an interstate system in this state if the conviction was for a speed of  
189 ten miles per hour or less, above the posted speed limit and did not result in an accident, unless  
190 authorized in a manner specified by the division by the individual whose report is being  
191 requested.

192 (12) (a) By following the emergency procedures in Title 63, Chapter 46b,  
193 Administrative Procedures Act, the division may immediately suspend the license of a person  
194 if it has reason to believe that the person is the owner of a motor vehicle for which security is  
195 required under Title 41, Chapter 12a, Motor Vehicle Financial Responsibility, and has driven  
196 the motor vehicle or permitted it to be driven within this state without the security being in  
197 effect.

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

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

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

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

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

208 **53-3-229. Prohibited uses of license certificate -- Penalty.**

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

210 (a) lend or knowingly permit the use of a license certificate issued to ~~him~~ the person,  
211 by a person not entitled to it;

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

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

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

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

220 ~~[(f)]~~ (e) display a canceled, denied, revoked, suspended, or disqualified driver license  
221 certificate as a valid driver license certificate[-];

222 (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic  
223 driver license certificate issued by a governmental entity if the item is not an authentic driver  
224 license certificate issued by that governmental entity; or

225 (g) alter any information on an authentic driver license certificate so that it no longer  
226 represents the information originally displayed.

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

229 (3) It is a class A misdemeanor to:

230 (a) knowingly issue a driver license certificate with false or fraudulent information;

231 (b) knowingly issue a driver license certificate to a person younger than 21 years of age  
232 if the driver license certificate is not distinguished as required for a person younger than 21  
233 years of age under Section 53-3-207; or

234 (c) knowingly acquire, use, display, or transfer a false or altered driver license  
235 certificate to procure cigarettes, tobacco, or tobacco products.

236 (4) A person may not use, display, or transfer a false or altered driver license certificate  
237 to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are sold  
238 or consumed, or obtain employment that may not be obtained by a minor in violation of  
239 Section 32A-1-301.

240 (5) It is a third degree felony if a person's acquisition, use, display, or transfer of a false  
241 or altered driver license certificate:

242 (a) aids or furthers the person's efforts to fraudulently obtain goods or services; or



243 (b) aids or furthers the person's efforts to commit a violent felony.  
244 Section 3. Section **53-3-810** is amended to read:  
245 **53-3-810. Prohibited uses of identification card -- Penalties.**  
246 (1) It is a class C misdemeanor to:  
247 ~~[(1)]~~ (a) lend or knowingly permit the use of an identification card issued to [him] the  
248 person, by a person not entitled to it;  
249 ~~[(2)]~~ (b) display or to represent as [his] the person's own an identification card not  
250 issued to [him] the person;  
251 ~~[(3)]~~ (c) refuse to surrender to the division or a peace officer upon demand any  
252 identification card issued by the division;  
253 ~~[(4)]~~ (d) use a false name or give a false address in any application for an identification  
254 card or any renewal or duplicate of the identification card, or to knowingly make a false  
255 statement, or to knowingly conceal a material fact in the application;  
256 ~~[(5) alter the date of birth on any identification card issued to him;]~~  
257 ~~[(6)]~~ (e) display a revoked identification card as a valid identification card; [or]  
258 ~~[(7) knowingly issue an adult identification card to any person younger than 21 years of~~  
259 ~~age.]~~  
260 (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic  
261 identification card issued by a governmental entity if the item is not an authentic identification  
262 card issued by that governmental entity; or  
263 (g) alter any information contained on an authentic identification card so that it no  
264 longer represents the information originally displayed.  
265 (2) It is a class A misdemeanor to:  
266 (a) knowingly issue an identification card with false or fraudulent information;  
267 (b) knowingly issue an identification card to any person younger than 21 years of age if  
268 the identification card is not distinguished as required for a person younger than 21 years of age  
269 under Section 53-3-806; or  
270 (c) knowingly acquire, use, display, or transfer a false or altered identification card to  
271 procure cigarettes, tobacco, or tobacco products.  
272 (3) A person may not knowingly use, display, or transfer a false or altered  
273 identification card to procure alcoholic beverages, gain admittance to a place where alcoholic

274 beverages are sold or consumed, or obtain employment that may not be obtained by a minor in  
275 violation of Section 32A-1-301.

276 (4) It is a third degree felony if a person's acquisition, use, display, or transfer of a false  
277 or altered identification card:

278 (a) aids or furthers the person's efforts to fraudulently obtain goods or services; or

279 (b) aids or furthers the person's efforts to commit a violent felony.

**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
<b>TOTAL</b>	<b>\$34,400</b>	<b>\$51,200</b>	<b>\$0</b>	<b>\$0</b>

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**Individual and Business Impact**

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

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