

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1147

Short Title: DMV False Records Penalties.

(Public)

Sponsors: Senator Sherron.

Referred to: Judiciary I.

May 12, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 20 TO PROVIDE INCREASED PENALTIES FOR
FALSIFYING RECORDS AND THE USE OF FRAUDULENTLY OBTAINED
LICENSES AND IDENTIFICATION CARDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-7(b) is rewritten to read as follows:

"(b) Every application for a drivers license shall be made upon the approved form furnished by the Division. The Division may require an applicant to present two or more forms of identification approved by the Commissioner which the Division may copy or hold for a reasonable period of time to verify authenticity."

Sec. 2. G.S. 20-30 is rewritten to read as follows:

"§ 20-30. Violations of license, special identification card, or learner's permit provisions.

(a) It shall be unlawful for any person to commit any of the following acts:

- (1) To display or cause to be displayed or to have in possession a driver's license, special identification card, or learner's permit, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.
- (2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a driver's license, special identification card, or learner's permit.
- (3) To display or to represent as one's own a license or learner's permit not issued to the person so displaying same.

- 1 (4) To fail or refuse to surrender to the Division upon demand any driver's
2 license or learner's permit that has been suspended, canceled or
3 revoked as provided by law.
- 4 (5) To use a false or fictitious name or give a false or fictitious address in
5 any application for a driver's license, special identification card, or
6 learner's permit, or any renewal or duplicate thereof, or knowingly to
7 make a false statement, knowingly provide false or fictitious
8 documents for the purpose of providing proof of identification or
9 otherwise, or knowingly conceal a material fact or otherwise commit a
10 fraud in any such application, or for any person to procure, or
11 knowingly permit or allow another to commit any of the foregoing
12 acts. Any license or learner's permit procured as aforesaid shall be void
13 from the issuance thereof, and any moneys paid therefor shall be
14 forfeited to the State. Any person violating this subdivision shall be
15 guilty of a Class H felony.
- 16 (6) To photostat or otherwise reproduce a driver's license or learner's
17 permit or to possess a driver's license or learner's permit which has
18 been photostated or otherwise reproduced, unless such photostat or
19 other reproduction was authorized by the Commissioner. Any person
20 violating this subdivision shall be guilty of a Class H felony.
- 21 (7) To sell or offer for sale any reproduction or facsimile or simulation of
22 a driver's license or learner's permit. The provisions of this subsection
23 shall not apply to agents or employees of the Division while acting in
24 the course and scope of their employment. Any person, firm or
25 corporation violating the provisions of this subsection shall be guilty
26 of a Class J felony.
- 27 (8) To possess more than one commercial drivers license or to possess a
28 commercial drivers license and a regular drivers license. Any
29 commercial drivers license other than the one most recently issued is
30 subject to immediate seizure by any law enforcement officer or
31 judicial official. Any regular drivers license possessed at the same time
32 as a commercial drivers license is subject to immediate seizure by any
33 law enforcement officer or judicial official.
- 34 (9) Notwithstanding any other provision of this section, to display, cause
35 to be displayed, or use any drivers license, special identification card,
36 or learners permit obtained in violation of the provisions of this section
37 when such display or use involves:
- 38 a. The operation of a vehicle for which a commercial drivers
39 license is required; or
- 40 b. The operation of a vehicle by a driver while his license is
41 revoked; or
- 42 c. When such drivers license or special identification card is used
43 to obtain money or property by false pretenses with a check or
44 credit card.

1 Each separate display or use is a violation of the law. A person
2 violating this subdivision shall be guilty of a Class H felony.

3 (b) For purposes of this section, a drivers license, special identification card, and
4 learners permit includes such license, card, and permit issued by this State or any other
5 state as defined in G.S. 20-4.01(45).

6 (c) The Division, its agents or employees and any law enforcement officer, may
7 seize any drivers license, special identification card, or learners permit displayed or used
8 in violation of this section and may hold such license, card, or permit until disposed of
9 by order of a court of the Division."

10 Sec. 3. G.S. 20-34.1 is rewritten to read as follows:

11 **"§ 20-34.1. Unlawful to issue licenses or special identification cards for anything of**
12 **value except prescribed fees.**

13 (a) It shall be unlawful for any employee of the Division of Motor Vehicles to
14 charge or accept any money or other thing of value except the fees prescribed by law for
15 the issuance of a driver's license, special identification card, or learners permit, and the
16 fact that the license or identification card is not issued after said employee or agent
17 charges or accepts money or other thing of value shall not constitute a defense to a
18 criminal action under this section. In a prosecution under this section it shall not be a
19 defense to show that the person giving the money or other thing of value or the person
20 receiving the license or intended to receive the same is entitled to a drivers license under
21 the Uniform Driver's License Act., identification card, or learners permit. Any person
22 violating this section shall be guilty of a ~~felony and upon conviction shall be punished by~~
23 ~~imprisonment in the State's prison for not more than five years or by a fine of not more than~~
24 ~~five thousand dollars (\$5,000) or by both such fine and imprisonment.~~ Class H felony.

25 (b) Any employee of the Division who fraudulently or knowingly accepts a false
26 proof of identification for a drivers license, special identification card, or learners permit
27 shall be guilty of a Class H felony."

28 Sec. 4. Chapter 20 of the General Statutes is amended by adding a new
29 section to read:

30 **"§ 20-34.2. Falsifying records.**

31 Any employee or agent of the Division who knowingly enters false information in
32 the records or computer, or wilfully alters the records or computer data, or intentionally
33 enters incorrect test scores, or intentionally fails to enter or file information or records,
34 for the purpose of obtaining or maintaining a person's drivers license, showing proof of
35 ownership, or obtaining registration of a vehicle, shall be guilty of a Class H felony."

36 Sec. 5. This act becomes effective October 1, 1993.