

HOUSE BILL REPORT

HB 1245

As Reported By House Committee On:

Law & Justice

Title: An act relating to penalties for using drivers' licenses and identicards to commit fraud.

Brief Description: Strengthening penalties for using drivers' licenses and identicards to commit fraud.

Sponsors: Representatives Sheahan, K. Schmidt, Sterk, Ballasiotes, Zellinsky, Skinner, Cairnes, Delvin, Smith, Robertson, O'Brien, Backlund, Fisher, Scott, McMorris, Radcliff, Mulliken, Boldt, Hatfield, L. Thomas, Costa, Hankins, McDonald, Wensman, Benson and Kessler.

Brief History:

Committee Activity:

Law & Justice: 2/11/97, 2/19/97 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Trudes Hutcheson (786-7384).

Background: It is a crime for a person to fraudulently obtain a Washington State driver's license or identicard or use a driver's license or identicard for fraudulent purposes. In particular, the motor vehicles statutes make it a misdemeanor for any person to

- (a) display, or cause or permit to be displayed, or have in his or her possession any fictitious or fraudulently altered driver's license or identicard;
- (b) lend his or her driver's license or identicard to any other person, or knowingly permit its use by another;
- (c) display or represent as one's own, any driver's license or identicard not issued to him or her;

- (d) willfully fail or refuse to surrender to the Department of Licensing upon the department's demand any driver's license or identicard that has been suspended, revoked, or canceled;
- (e) use a false or fictitious name in any application for a driver's license or identicard, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;
- (f) permit any unlawful use of a driver's license or identicard issued to him or her.

A separate statute involving applications for drivers' licenses provides that a person making a false statement on an application for a driver's license is guilty of false swearing, which is a gross misdemeanor.

In addition, the alcoholic beverage control statutes make it a misdemeanor to fraudulently use or allow another to fraudulently use a card of identification to purchase liquor. Under the same statutes, it is a gross misdemeanor to counterfeit, forge, or prepare and supply to a minor a facsimile- of a card of identification. A card of identification- includes, among other things, a driver's license or identicard.

A misdemeanor has a maximum penalty of up to 90 days in the county jail, a fine of up to \$1,000, or both.

A gross misdemeanor has a maximum penalty of up to one year in the county jail, a fine of up to \$5,000, or both.

A class C felony has a maximum penalty of up to five years' imprisonment, a fine of up to \$10,000, or both.

Summary of Substitute Bill: The bill amends the motor vehicle statutes. Using a false or fictitious name in an application for a driver's license or identicard, or knowingly making a false statement, concealing a material fact, or otherwise committing a fraud in an application is raised from a misdemeanor offense to a class C felony. It is also a class C felony to counterfeit or fraudulently alter a driver's license or identicard for the purposes of committing a felony. Counterfeiting or fraudulently altering a driver's license or identicard for any other purpose is a gross misdemeanor.

The false swearing provision is deleted from the statute involving applications.

The remaining offenses listed in the motor vehicle statutes involving fraudulently obtaining or fraudulently using drivers' licenses and identicards are raised from misdemeanors to gross misdemeanors.

Substitute Bill Compared to Original Bill: The original bill made it a class C felony to counterfeit or fraudulently alter a driver's license or identicaid, regardless of the purpose. The original bill also deleted a provision that allowed the Department of Licensing to charge a \$5 fee for driving instruction permits. The substitute bill reinserts the \$5 fee provision.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: None.