

CHAPTER 172
FORMERLY
HOUSE BILL NO. 160
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING
TO DRIVERS' LICENSES AND IDENTIFICATION CARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
DELAWARE (Two-thirds of all members elected to each house thereof
concurring therein):

Section 1. Amend § 2760, Title 21 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

“Section 2760. Duplication, reproduction, manufacture and sale, altering, or counterfeiting of driver licenses or identification cards; presenting fraudulent identification and driving authority source documents.

(a) A person or company shall not duplicate, reproduce, alter or counterfeit a Delaware driver license or identification card or a driver license or identification card issued by an authorized issuing agency from another state.

(b) A person or company shall not sell, offer for sale, manufacture or distribute a driver license or identification card document that is similar in design, shape, size or color to any driver license or identification card issued by the Delaware Division of Motor Vehicles or by an authorized driver license and/or identification card issuing agency from another state. This includes any driver license or identification card that uses the word “Delaware” or any other state name or has the words “not issued by a government agency” or similar words.

(c) It shall be unlawful to present fraudulent personal identification source documents, state issued driver licenses or state issued identification cards when applying for a Delaware driver license or identification card. If the Division of Motor Vehicles has reason to believe the documents provided by an applicant are fraudulent after physically examining the documents and/or by using an electronic verification process, the Division shall confiscate the documents, deny the transaction, and provide the documents to a law enforcement officer or Division investigator. The investigator may recommend prosecution, deny issuance of the document, return the confiscated documents to the applicant, or take any other action deemed appropriate. The applicant may request an administrative hearing to challenge the Division’s decision to retain the confiscated documents or to continue denial of the driver license or identification card based on the presentation of the questioned documents.

(d) Identification documents produced by other State of Delaware agencies are exempt from this section.

(e) (1) Any person convicted of a violation of subsections (a) or (c) of this section shall be fined not less than \$500, nor more than \$1,500 or imprisoned not less than 30 days, nor more than 60 days. In addition, the person shall have his/her driver license and/or driving privileges suspended for a period of one year.

(2) Any person convicted of a violation of Subsection (b) of this section shall be guilty of a Class G felony as the same is defined in Chapter 42 of Title 11 of the Delaware Code and shall be sentenced in accordance therewith.

(f) When a driver license and/or driving privileges is/are suspended pursuant to this section, the applicant shall not be eligible for a conditional license, work license or any other type of hardship license during the suspension period.”.

Approved July 22, 2009