



SPONSOR: Rep. Mitchell & Sen. Bushweller
Reps. Bennett, Booth, Carson, J. Johnson, Scott, B. Short,
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HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 160

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:

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

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

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

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

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

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

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23 (e) (1) Any person convicted of a violation of subsections (a) or (c) of this section shall be fined not less than
24 \$500, nor more than \$1,500 or imprisoned not less than 30 days, nor more than 60 days. In addition, the person shall
25 have his/her driver license suspended for a period of one year.

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

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

SYNOPSIS

The Division of Motor Vehicles has seen a large increase in individuals producing fraudulent Delaware drivers' licenses, identification cards and documents. These fraudulent drivers' licenses and identification cards can be used to assume another individual's identity. This bill updates the current law and makes it illegal for applicant to present fraudulent documents. In addition, this bill assigns specific penalties and allows the Division of Motor Vehicles to confiscate any fraudulent documents used by individuals attempting to obtain a driver's license or identification card.