

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 946  
Committee Substitute Favorable 4/25/01  
Senate Judiciary I Committee Substitute Adopted 10/2/01

Short Title: Possession/Manufacture of Fraudulent IDs.

(Public)

Sponsors:

Referred to:

April 2, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE POSSESSION OR MANUFACTURE OF FRAUDULENT FORMS OF IDENTIFICATION AN OFFENSE, TO MAKE IT ILLEGAL TO POSSESS FRAUDULENT IDENTIFICATION WHILE ATTEMPTING TO ENTER THE PREMISES OF AN ALCOHOL PERMITTEE OR OBTAIN ALCOHOLIC BEVERAGES, AND TO AUTHORIZE THE DRIVERS LICENSE TECHNOLOGY FUND.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 14 of the General Statutes is amended by adding a new section to read:

**"§ 14-100.1. Possession or manufacture of certain fraudulent forms of identification.**

(a) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any person to knowingly possess or manufacture a false or fraudulent form of identification as defined in this section for the purpose of deception, fraud, or other criminal conduct.

(b) For purposes of this section, a "form of identification" means any of the following or any replica thereof:

(1) An identification card containing a picture, issued by any department, agency, or subdivision of the State of North Carolina, the federal government, or any other state.

(2) A military identification card containing a picture.

(3) A passport.

(4) An alien registration card containing a picture.

(c) A violation of this section shall be punished as a Class 2 misdemeanor."

**SECTION 2.** G.S. 18B-302(e) reads as rewritten:

"(e) Fraudulent Use of Identification. – It shall be unlawful for any person to enter or attempt to enter a place where alcoholic beverages are sold or consumed, or to obtain

1 or attempt to obtain alcoholic ~~beverages~~ beverages, or to obtain or attempt to obtain  
2 permission to purchase alcoholic beverages, in violation of subsection (b) of this ~~section~~  
3 section, by using or attempting to ~~use~~ use any of the following:

- 4 (1) A fraudulent or altered ~~driver's license~~ drivers license.
- 5 (2) A fraudulent or altered identification document other than a ~~driver's~~  
6 license ~~or drivers license~~.
- 7 (3) A driver's license issued to another ~~person~~ or person.
- 8 (4) An identification document other than a ~~driver's~~ drivers license issued  
9 to another person.
- 10 (5) Any other form or means of identification that indicates or symbolizes  
11 that the person is not prohibited from purchasing or possessing  
12 alcoholic beverages under this section."

13 **SECTION 3.** G.S. 18B-302(f) reads as rewritten:

14 "(f) Allowing Use of Identification. – It shall be unlawful for any person to permit  
15 the use of ~~his driver's~~ the person's drivers license or any other form of identification  
16 ~~document~~ of any kind issued or given to the person, by any other person who violates or  
17 attempts to violate subsection (b) of this section."

18 **SECTION 4.** Article 2 of Chapter 20 is amended by adding the following  
19 new sections to read:

20 "**§ 20-37.01. Drivers license technology fund.**

21 The Drivers License Technology Fund is established in the Department of  
22 Transportation as a nonreverting, interest-bearing special revenue account. The revenue  
23 in the Fund at the end of a fiscal year does not revert, and earnings on the Fund shall be  
24 credited to the Fund annually. All money collected by the Commissioner pursuant to  
25 G.S. 20-37.02 shall be remitted to the State Treasurer and held in the Fund. Money held  
26 in the Fund shall be used to supplement funds otherwise available to the Division for  
27 information technology and office automation needs. The Commissioner shall report by  
28 February 1 and August 1 of each year to the Joint Legislative Commission on  
29 Governmental Operations, the chairs of the Senate and House of Representatives  
30 Appropriation Committees, and the chairs of the Senate and House of Representatives  
31 Appropriations Subcommittee on Transportation on all money collected and deposited  
32 in the Fund and on the proposed expenditure of funds collected during the preceding six  
33 months.

34 "**§ 20-37.02. Verification of drivers license information.**

35 (a) The Commissioner shall establish and operate an electronic system that can  
36 be used to verify drivers licenses and identification cards issued by the Division and the  
37 dates of birth on these documents in order to facilitate access to drivers license  
38 information by retailers and persons holding ABC permits to prevent the utilization of  
39 fictitious identification for the purpose of underage purchases of certain age-restricted  
40 products or to commit certain crimes.

41 (b) The electronic system established and operated by the Commissioner  
42 pursuant to subsection (a) of this section shall allow a retailer, as defined in G.S.

1 105-164.3(14), a person who holds an ABC permit, as defined in G.S. 18B-101(2), or an  
2 agent of the retailer or a person holding an ABC permit, to verify the validity of a  
3 drivers license or identification card issued by the Division and the date of birth of the  
4 person issued the drivers license or identification card. The Commissioner shall make  
5 drivers license and identification card information available in a read-only format, and  
6 the information to be made available shall not exceed the information contained on the  
7 face of the drivers license. The Division shall not keep a record of the inquiry. The  
8 retailer or a person holding an ABC permit may retain such information as is necessary  
9 to provide evidence that the person's drivers license or identification card was validated  
10 or that the person's age was verified. A retailer or permittee shall agree to comply with  
11 the requirements of this section prior to using the system.

12 (c) Except for purposes allowed in this section, a person using the electronic  
13 system established in accordance with subsection (a) of this section shall not collect or  
14 retain any information obtained through the use of the electronic system, nor transfer or  
15 make accessible to a third party any information obtained through an inquiry permitted  
16 under this section. A violation of the provisions of this subsection shall be punished as a  
17 Class 2 misdemeanor.

18 (d) A retailer or permittee using the electronic system established pursuant to this  
19 section shall be responsible for the costs of the equipment and communication lines  
20 approved by the Division needed by the retailer or permittee to access the system.

21 (e) The establishment and operation of an electronic system pursuant to this  
22 section may be funded through grants received from the State, the federal government, a  
23 private entity, or any other funding source made available to the Drivers License  
24 Technology Fund. The Commissioner may enter into one or more nonexclusive  
25 contracts under reasonable cost recovery terms with third parties to meet the purpose of  
26 this section. Costs recovered pursuant to this subsection and all other funds obtained  
27 through grants to the Fund shall be remitted to the State Treasurer to be held in the  
28 Drivers License Technology Fund established in G.S. 20-37.01."

29 **SECTION 5.** The electronic system to be established pursuant to Section 4  
30 of this act shall not be operated by the Commissioner until such time as the Drivers  
31 License Technology Fund contains sufficient funds to meet the purposes of Section 4 of  
32 this act and only for so long as adequate funds are available to operate the electronic  
33 system. Sections 1 through 3 of this act become effective December 1, 2001, and apply  
34 to offenses committed on or after that date. The remainder of this act is effective when  
35 it becomes law.