
SUBSTITUTE SENATE BILL 5262

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Roach, Haugen, Oke, Goings, Winsley and Schow)

Read first time 02/27/97.

1 AN ACT Relating to penalties for using drivers' licenses and
2 identicards to commit fraud; amending RCW 46.20.336 and 46.20.091;
3 reenacting and amending RCW 9.94A.320; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.20.336 and 1990 c 210 s 3 are each amended to read
6 as follows:

7 (1) It is a gross misdemeanor for any person:

8 ((+1)) (a) To display or cause or permit to be displayed or have
9 in his or her possession any fictitious or fraudulently altered
10 driver's license or identicard;

11 ((+2)) (b) To lend his or her driver's license or identicard to
12 any other person or knowingly permit the use thereof by another;

13 ((+3)) (c) To display or represent as one's own any driver's
14 license or identicard not issued to him or her;

15 ((+4)) (d) Willfully to fail or refuse to surrender to the
16 department upon its lawful demand any driver's license or identicard
17 which has been suspended, revoked or canceled;

18 ~~((+5) To use a false or fictitious name in any application for a
19 driver's license or identicard or to knowingly make a false statement~~

1 ~~or to knowingly conceal a material fact or otherwise commit a fraud in~~
2 ~~any such application;~~

3 ~~(6))~~ (e) To permit any unlawful use of a driver's license or
4 identicard issued to him or her.

5 (2) It is a class C felony:

6 (a) To use a false or fictitious name in any application for a
7 driver's license or identicard or to knowingly make a false statement
8 or to knowingly conceal a material fact or otherwise commit a fraud in
9 any such application;

10 (b) To counterfeit or fraudulently alter a driver's license or
11 identicard.

12 **Sec. 2.** RCW 46.20.091 and 1996 c 287 s 5 are each amended to read
13 as follows:

14 (1) Every application for an instruction permit or for an original
15 driver's license shall be made upon a form prescribed and furnished by
16 the department which shall be sworn to and signed by the applicant
17 before a person authorized to administer oaths. ~~((An applicant making~~
18 ~~a false statement under this subsection is guilty of false swearing, a~~
19 ~~gross misdemeanor, under RCW 9A.72.040.))~~ Every application for an
20 instruction permit containing a photograph shall be accompanied by a
21 fee of five dollars. The department shall forthwith transmit the fees
22 collected for instruction permits and temporary drivers' permits to the
23 state treasurer.

24 (2) Every such application shall state the full name, date of
25 birth, sex, and Washington residence address of the applicant, and
26 briefly describe the applicant, and shall state whether the applicant
27 has theretofore been licensed as a driver or chauffeur, and, if so,
28 when and by what state or country, and whether any such license has
29 ever been suspended or revoked, or whether an application has ever been
30 refused, and, if so, the date of and reason for such suspension,
31 revocation, or refusal, and shall state such additional information as
32 the department shall require, including a statement that identifying
33 documentation presented by the applicant is valid.

34 (3) Whenever application is received from a person previously
35 licensed in another jurisdiction, the department shall request a copy
36 of such driver's record from such other jurisdiction. When received,
37 the driving record shall become a part of the driver's record in this
38 state.

1 (4) Whenever the department receives request for a driving record
2 from another licensing jurisdiction, the record shall be forwarded
3 without charge if the other licensing jurisdiction extends the same
4 privilege to the state of Washington. Otherwise there shall be a
5 reasonable charge for transmittal of the record, the amount to be fixed
6 by the director of the department.

7 **Sec. 3.** RCW 9.94A.320 and 1996 c 302 s 6, 1996 c 205 s 3, and 1996
8 c 36 s 2 are each reenacted and amended to read as follows:

9 TABLE 2

10 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

11	XV	Aggravated Murder 1 (RCW 10.95.020)
12	XIV	Murder 1 (RCW 9A.32.030)
13		Homicide by abuse (RCW 9A.32.055)
14	XIII	Murder 2 (RCW 9A.32.050)
15	XII	Assault 1 (RCW 9A.36.011)
16		Assault of a Child 1 (RCW 9A.36.120)
17	XI	Rape 1 (RCW 9A.44.040)
18		Rape of a Child 1 (RCW 9A.44.073)
19	X	Kidnapping 1 (RCW 9A.40.020)
20		Rape 2 (RCW 9A.44.050)
21		Rape of a Child 2 (RCW 9A.44.076)
22		Child Molestation 1 (RCW 9A.44.083)
23		Damaging building, etc., by explosion with
24		threat to human being (RCW
25		70.74.280(1))
26		Over 18 and deliver heroin or narcotic from
27		Schedule I or II to someone under 18
28		(RCW 69.50.406)
29		Leading Organized Crime (RCW
30		9A.82.060(1)(a))
31	IX	Assault of a Child 2 (RCW 9A.36.130)
32		Robbery 1 (RCW 9A.56.200)
33		Manslaughter 1 (RCW 9A.32.060)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Indecent Liberties (with forcible
4 compulsion) (RCW 9A.44.100(1)(a))
5 Endangering life and property by explosives
6 with threat to human being (RCW
7 70.74.270)
8 Over 18 and deliver narcotic from Schedule
9 III, IV, or V or a nonnarcotic from
10 Schedule I-V to someone under 18 and 3
11 years junior (RCW 69.50.406)
12 Controlled Substance Homicide (RCW
13 69.50.415)
14 Sexual Exploitation (RCW 9.68A.040)
15 Inciting Criminal Profiteering (RCW
16 9A.82.060(1)(b))
17 Vehicular Homicide, by being under the
18 influence of intoxicating liquor or
19 any drug (RCW 46.61.520)
20 VIII Arson 1 (RCW 9A.48.020)
21 Promoting Prostitution 1 (RCW 9A.88.070)
22 Selling for profit (controlled or
23 counterfeit) any controlled substance
24 (RCW 69.50.410)
25 Manufacture, deliver, or possess with
26 intent to deliver heroin or cocaine
27 (RCW 69.50.401(a)(1)(i))
28 Manufacture, deliver, or possess with
29 intent to deliver methamphetamine (RCW
30 69.50.401(a)(1)(ii))
31 Possession of ephedrine or pseudoephedrine
32 with intent to manufacture
33 methamphetamine (RCW 69.50.440)
34 Vehicular Homicide, by the operation of any
35 vehicle in a reckless manner (RCW
36 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Vehicular Homicide, by disregard for the
3 safety of others (RCW 46.61.520)
4 Introducing Contraband 1 (RCW 9A.76.140)
5 Indecent Liberties (without forcible
6 compulsion) (RCW 9A.44.100(1) (b) and
7 (c))
8 Child Molestation 2 (RCW 9A.44.086)
9 Dealing in depictions of minor engaged in
10 sexually explicit conduct (RCW
11 9.68A.050)
12 Sending, bringing into state depictions of
13 minor engaged in sexually explicit
14 conduct (RCW 9.68A.060)
15 Involving a minor in drug dealing (RCW
16 69.50.401(f))
17 Reckless Endangerment 1 (RCW 9A.36.045)
18 Unlawful Possession of a Firearm in the
19 first degree (RCW 9.41.040(1)(a))
20 VI Bribery (RCW 9A.68.010)
21 Manslaughter 2 (RCW 9A.32.070)
22 Rape of a Child 3 (RCW 9A.44.079)
23 Intimidating a Juror/Witness (RCW
24 9A.72.110, 9A.72.130)
25 Damaging building, etc., by explosion with
26 no threat to human being (RCW
27 70.74.280(2))
28 Endangering life and property by explosives
29 with no threat to human being (RCW
30 70.74.270)
31 Incest 1 (RCW 9A.64.020(1))
32 Manufacture, deliver, or possess with
33 intent to deliver narcotics from
34 Schedule I or II (except heroin or
35 cocaine) (RCW 69.50.401(a)(1)(i))
36 Intimidating a Judge (RCW 9A.72.160)
37 Bail Jumping with Murder 1 (RCW
38 9A.76.170(2)(a))
39 Theft of a Firearm (RCW 9A.56.300)

1 V Persistent prison misbehavior (RCW
2 9.94.070)
3 Criminal Mistreatment 1 (RCW 9A.42.020)
4 Abandonment of dependent person 1 (RCW
5 9A.42.060)
6 Rape 3 (RCW 9A.44.060)
7 Sexual Misconduct with a Minor 1 (RCW
8 9A.44.093)
9 Child Molestation 3 (RCW 9A.44.089)
10 Kidnapping 2 (RCW 9A.40.030)
11 Extortion 1 (RCW 9A.56.120)
12 Incest 2 (RCW 9A.64.020(2))
13 Perjury 1 (RCW 9A.72.020)
14 Extortionate Extension of Credit (RCW
15 9A.82.020)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Extortionate Means to Collect Extensions of
20 Credit (RCW 9A.82.040)
21 Rendering Criminal Assistance 1 (RCW
22 9A.76.070)
23 Bail Jumping with class A Felony (RCW
24 9A.76.170(2)(b))
25 Sexually Violating Human Remains (RCW
26 9A.44.105)
27 Delivery of imitation controlled substance
28 by person eighteen or over to person
29 under eighteen (RCW 69.52.030(2))
30 Possession of a Stolen Firearm (RCW
31 9A.56.310)

32 IV Residential Burglary (RCW 9A.52.025)
33 Theft of Livestock 1 (RCW 9A.56.080)
34 Robbery 2 (RCW 9A.56.210)
35 Assault 2 (RCW 9A.36.021)
36 Escape 1 (RCW 9A.76.110)
37 Arson 2 (RCW 9A.48.030)
38 Commercial Bribery (RCW 9A.68.060)

1 Bribing a Witness/Bribe Received by Witness
2 (RCW 9A.72.090, 9A.72.100)
3 Malicious Harassment (RCW 9A.36.080)
4 Threats to Bomb (RCW 9.61.160)
5 Willful Failure to Return from Furlough
6 (RCW 72.66.060)
7 Hit and Run -- Injury Accident (RCW
8 46.52.020(4))
9 Hit and Run with Vessel -- Injury Accident
10 (RCW 88.12.155(3))
11 Vehicular Assault (RCW 46.61.522)
12 Manufacture, deliver, or possess with
13 intent to deliver narcotics from
14 Schedule III, IV, or V or nonnarcotics
15 from Schedule I-V (except marijuana or
16 methamphetamines) (RCW 69.50.401(a)(1)
17 (iii) through (v))
18 Influencing Outcome of Sporting Event (RCW
19 9A.82.070)
20 Use of Proceeds of Criminal Profiteering
21 (RCW 9A.82.080 (1) and (2))
22 Knowingly Trafficking in Stolen Property
23 (RCW 9A.82.050(2))

24 III Criminal Mistreatment 2 (RCW 9A.42.030)
25 Abandonment of dependent person 2 (RCW
26 9A.42.070)
27 Extortion 2 (RCW 9A.56.130)
28 Unlawful Imprisonment (RCW 9A.40.040)
29 Assault 3 (RCW 9A.36.031)
30 Assault of a Child 3 (RCW 9A.36.140)
31 Custodial Assault (RCW 9A.36.100)
32 Unlawful possession of firearm in the
33 second degree (RCW 9.41.040(1)(b))
34 Harassment (RCW 9A.46.020)
35 Promoting Prostitution 2 (RCW 9A.88.080)
36 Willful Failure to Return from Work Release
37 (RCW 72.65.070)
38 Burglary 2 (RCW 9A.52.030)
39 Introducing Contraband 2 (RCW 9A.76.150)

1 Communication with a Minor for Immoral
2 Purposes (RCW 9.68A.090)
3 Patronizing a Juvenile Prostitute (RCW
4 9.68A.100)
5 Escape 2 (RCW 9A.76.120)
6 Perjury 2 (RCW 9A.72.030)
7 Bail Jumping with class B or C Felony (RCW
8 9A.76.170(2)(c))
9 Intimidating a Public Servant (RCW
10 9A.76.180)
11 Tampering with a Witness (RCW 9A.72.120)
12 Manufacture, deliver, or possess with
13 intent to deliver marijuana (RCW
14 69.50.401(a)(1)(iii))
15 Delivery of a material in lieu of a
16 controlled substance (RCW
17 69.50.401(c))
18 Manufacture, distribute, or possess with
19 intent to distribute an imitation
20 controlled substance (RCW
21 69.52.030(1))
22 Recklessly Trafficking in Stolen Property
23 (RCW 9A.82.050(1))
24 Theft of livestock 2 (RCW 9A.56.080)
25 Securities Act violation (RCW 21.20.400)
26 II Unlawful Practice of Law (RCW 2.48.180)
27 Malicious Mischief 1 (RCW 9A.48.070)
28 Possession of Stolen Property 1 (RCW
29 9A.56.150)
30 Theft 1 (RCW 9A.56.030)
31 Trafficking in Insurance Claims (RCW
32 48.30A.015)
33 Unlicensed Practice of a Profession or
34 Business (RCW 18.130.190(7))
35 Health Care False Claims (RCW 48.80.030)
36 Possession of controlled substance that is
37 either heroin or narcotics from
38 Schedule I or II (RCW 69.50.401(d))

1 Possession of phencyclidine (PCP) (RCW
2 69.50.401(d))
3 Create, deliver, or possess a counterfeit
4 controlled substance (RCW
5 69.50.401(b))
6 Computer Trespass 1 (RCW 9A.52.110)
7 Escape from Community Custody (RCW
8 72.09.310)

9 I Theft 2 (RCW 9A.56.040)
10 Possession of Stolen Property 2 (RCW
11 9A.56.160)
12 Forgery (RCW 9A.60.020)
13 Taking Motor Vehicle Without Permission
14 (RCW 9A.56.070)
15 Vehicle Prowl 1 (RCW 9A.52.095)
16 Attempting to Elude a Pursuing Police
17 Vehicle (RCW 46.61.024)
18 Malicious Mischief 2 (RCW 9A.48.080)
19 Reckless Burning 1 (RCW 9A.48.040)
20 Unlawful Issuance of Checks or Drafts (RCW
21 9A.56.060)
22 Unlawful Use of Food Stamps (RCW 9.91.140
23 (2) and (3))
24 False Verification for Welfare (RCW
25 74.08.055)
26 Forged Prescription (RCW 69.41.020)
27 Forged Prescription for a Controlled
28 Substance (RCW 69.50.403)
29 Possess Controlled Substance that is a
30 Narcotic from Schedule III, IV, or V
31 or Non-narcotic from Schedule I-V
32 (except phencyclidine) (RCW
33 69.50.401(d))
34 Use of a False or Fictitious Name in any
35 Application for a Driver's License or
36 Identocard (RCW 46.20.336(2))

1 Counterfeiting or Fraudulently Altering a
2 Driver's License or Identocard (RCW
3 46.20.336(2))

--- **END** ---