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HOUSE BILL DRH40165-TCf-8 (02/14)

Short Title: Limited Identification Cards. (Public)

Sponsors: Representatives Warren, Collins, Jordan, and Adams (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REDUCE IDENTITY THEFT BY INCREASING PENALTIES FOR THE
MANUFACTURE OR SALE OF COUNTERFEIT DOCUMENTS AND TO ALLOW
UNDOCUMENTED ALIENS TO OBTAIN LIMITED IDENTIFICATION CARDS.

The General Assembly of North Carolina enacts:

**PART I. INCREASE PENALTIES FOR MANUFACTURE OR SALE OF FALSE
IDENTIFICATION DOCUMENTS**

SECTION 1.(a) G.S. 14-100.1 reads as rewritten:

"§ 14-100.1. ~~Possession or manufacture~~ Possession, manufacture, or sale of certain
fraudulent forms of identification.

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

(b) Except as otherwise made unlawful by G.S. 20-30, it ~~shall be~~ is unlawful for any
person to knowingly obtain a form of identification by the use of false, fictitious, or fraudulent
information.

(c) Possession of a form of identification obtained in violation of subsection (b) of this
section ~~shall constitute~~ is a violation of subsection (a) of this section.

(d) 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.

(e) A violation of this section ~~shall be punished as is~~ is a Class 1 ~~misdemeanor, misdemeanor,~~
except that a violation of subsection (a) of this section with respect to the manufacture or sale of a
false or fraudulent form of identification is a Class G felony."

SECTION 1.(b) G.S. 20-30 reads as rewritten:

"§ 20-30. **Violations of license, learner's permit, limited identification card, or special
identification card provisions.**

It ~~shall be~~ is unlawful for any person to commit any of the following acts:



* D R H 4 0 1 6 5 - T C F - 8 *

- 1 (1) To display or cause to be displayed or to have in possession a driver's license,
2 learner's permit, limited identification card, or special identification card,
3 knowing the same to be fictitious or to have been canceled, revoked, suspended
4 or altered.
- 5 (2) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled
6 thereto, a driver's license, learner's permit, limited identification card, or special
7 identification card. A violation of this subdivision by a person under the age of
8 21 for the purpose of the underage purchase of alcohol is a Class 1
9 misdemeanor. A violation of this subdivision by a person under the age of 18
10 for the purpose of the underage purchase of tobacco products or cigarette
11 wrapping papers is a Class 2 misdemeanor. A person who otherwise violates
12 the provisions of this subdivision is guilty of a Class G felony.
- 13 (3) To display or to represent as one's own a drivers license, learner's permit,
14 limited identification card, or special identification card not issued to the person
15 so displaying same.
- 16 (4) To fail or refuse to surrender to the Division upon demand any driver's license,
17 learner's permit, limited identification card, or special identification card that
18 has been suspended, canceled or revoked as provided by law.
- 19 (5) To use a false or fictitious name or give a false or fictitious address in any
20 application for a driver's license, learner's permit, limited identification card, or
21 special identification card, or any renewal or duplicate thereof, or knowingly to
22 make a false statement or knowingly conceal a material fact or otherwise
23 commit a fraud in any such application, or for any person to procure, or
24 knowingly permit or allow another to commit any of the foregoing acts. Any
25 license, learner's permit, limited identification card, or special identification
26 card procured as aforesaid ~~shall be is~~ void from the issuance thereof, and any
27 moneys paid therefor shall be forfeited to the State. ~~Any A person violating~~
28 ~~who violates~~ the provisions of this subdivision ~~shall be is~~ guilty of a Class 1
29 misdemeanor.
- 30 (6) To make a color photocopy or otherwise make a color reproduction of a drivers
31 license, learner's permit, limited identification card, or special identification
32 card ~~which that~~ has been color-photocopied or otherwise reproduced in color,
33 unless ~~such the~~ color photocopy or other color reproduction was authorized by
34 the Commissioner. It ~~shall be is~~ lawful to make a black and white photocopy of
35 a drivers license, learner's permit, limited identification card, or special
36 identification card or otherwise make a black and white reproduction of a
37 drivers license, learner's permit, limited identification card, or special
38 identification card.
- 39 (7) To sell or offer for sale any reproduction or facsimile or simulation of a driver's
40 license, learner's permit, limited identification card, or special identification
41 card. The provisions of this subdivision ~~shall do not~~ apply to agents or
42 employees of the Division while acting in the course and scope of their
43 employment. ~~Any A person, firm or corporation violating that violates the~~
44 ~~provisions of this subsection shall be is~~ guilty of a Class ~~I~~G felony.
- 45 (8) To possess more than one commercial drivers license or to possess a
46 commercial drivers license and a regular drivers license. Any commercial
47 drivers license other than the one most recently issued is subject to immediate
48 seizure by any law enforcement officer or judicial official. Any regular drivers
49 license possessed at the same time as a commercial drivers license is subject to
50 immediate seizure by any law enforcement officer or judicial official.

(9) To present, display, or use a drivers license, learner's permit, limited identification card, or special identification card that contains a false or fictitious name in the commission or attempted commission of a felony. ~~Any A~~ person ~~violating~~ who violates the provisions of this subdivision ~~shall be is~~ guilty of a Class I felony.

(10) To possess more than one special identification card for a fraudulent purpose."
SECTION 1.(c) G.S. 20-37.8 is repealed.

PART II. AUTHORIZE UNDOCUMENTED ALIENS TO OBTAIN LIMITED IDENTIFICATION CARDS

SECTION 2.(a) G.S. 20-7 reads as rewritten:

"§ 20-7. Issuance and renewal of drivers licenses.

...
(b1) Application. – To obtain ~~an~~ a special identification card, learners permit, or drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and, except for ~~an~~ a special identification card, demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

The application form shall request all of the following information, and it shall contain the disclosures concerning the request for an applicant's social security number required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- (1) The applicant's full name.
- (2) The applicant's mailing address and residence address.
- (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
- (4) The applicant's date of birth.
- (5) The applicant's valid social security number.
- (6) The applicant's signature.

The Division shall not issue ~~an~~ a special identification card, learners permit, or drivers license to an applicant who fails to provide the applicant's valid social security number.

...
(q1) Veteran Military Designation. – The Division shall develop a military designation for drivers licenses and special identification cards that may, upon request, be granted to North Carolina residents who are honorably discharged from military service in the Armed Forces of the United States. An applicant requesting this designation must produce a Form DD-214 showing the applicant has been honorably discharged from the Armed Forces of the United States.

..."
SECTION 2.(b) Article 2B of Chapter 20 of the General Statutes reads as rewritten:

"Article 2B.

"Special Identification Cards and Limited Identification Cards for Nonoperators.

"§ 20-37.7. Special identification card.

(a) Eligibility. – ~~A~~ Subject to the applicable provisions of G.S. 20-7, a person who is a resident of this State is eligible for a special identification card.

(b) Application. – To obtain a special identification card from the Division, a person ~~must~~ shall complete the application form used to obtain a drivers license.

1 (e) Offense.— Any fraud or misrepresentation in the application for or use of a special
2 identification card issued under this section is a Class 2 misdemeanor.

3 ...
4 **"§ 20-37.8A. Limited identification card.**

5 (a) Eligibility. – A person who is a resident of this State and who is not lawfully present in
6 the United States is eligible for a limited identification card.

7 (b) Application. – The Division shall issue a limited identification card to an applicant who
8 meets all of the following requirements:

9 (1) The applicant is not lawfully present in the United States.

10 (2) The applicant completes the application form used to obtain a drivers license.

11 (3) The applicant agrees to a criminal history check, and that check shows that the
12 applicant does not have a criminal history. The criminal history check shall
13 include the taking of the applicant's fingerprints. An applicant for a limited
14 identification card who is under 16 years old shall not be required to agree to a
15 criminal history check under this subdivision.

16 (c) Format. – A limited identification card issued under this section shall do all of the
17 following:

18 (1) Conform to the requirements of G.S. 20-7(n)(1) through (6), (9), and (10).

19 (2) Be printed in a horizontal or vertical format that distinguishes the limited
20 identification card, as determined by the age of the applicant and the
21 appropriate horizontal or vertical format for that age.

22 (3) Bear an identifying number for the cardholder assigned by the Division, the
23 first character of which shall be a letter that is only assigned to limited
24 identification cards.

25 (4) Bear a distinguishing mark or other designation on the face of the identification
26 card clearly denoting the limited duration of the identification card and clearly
27 distinguishing it from other forms of licenses of limited duration and
28 identification cards of limited duration.

29 (5) Bear a clearly legible statement that the identification card (i) is not valid as a
30 means of demonstrating eligibility for voter registration or for public benefits,
31 (ii) does not legitimize the holder's presence in the United States or the State of
32 North Carolina, and (iii) is not valid for any purpose other than demonstrating
33 identity.

34 (d) Expiration. – An initial limited identification card expires on the birthday of the person
35 to whom it is issued in the first year after the initial issuance, provided that an initial limited
36 identification card shall expire no later than 18 months after the date of the initial issuance. A
37 renewal limited identification card expires one year after the expiration date of the limited
38 identification card that is renewed. A person may apply to the Division to renew a limited
39 identification card during the 180-day period before the card expires. The Division may not accept
40 an application for renewal made before the 180-day period begins.

41 (e) Fee. – The Secretary of Transportation shall set the fee for an initial limited
42 identification card, and the fee shall be equal to the actual cost of processing the relevant
43 application and furnishing the card. The fee for a renewal of a limited identification card is
44 twenty-five dollars (\$25.00). The fee shall be paid before a person receives a limited identification
45 card.

46 (f) Records. – The Division shall maintain a record of all recipients of a limited
47 identification card.

48 (g) No State Liability. – The fact of issuance of a limited identification card pursuant to
49 this section shall not place upon the State of North Carolina or any agency thereof any liability for
50 the misuse thereof, and the acceptance thereof as valid identification is a matter left entirely to the
51 responsibility of a person to whom such card is presented.

1 (h) Advertising. – The Division may utilize the various communications media throughout
2 the State to inform North Carolina residents of the provisions of this section.

3 (i) Misuse of Information. – A State agency or official shall not use any information
4 submitted as part of the application process for a limited identification card to seek the removal
5 from the United States of the applicant or for any purpose other than the issuance of the limited
6 identification card, nor shall a State agency or official release information pertaining to the
7 immigration status of an applicant for a limited identification card, except where expressly
8 required by law to do so. This section does not prohibit the use of the information in the
9 prosecution of crimes that (i) are committed by the applicant after the issuance of the identification
10 card or (ii) are revealed by a criminal history check undertaken pursuant to subsection (b) of this
11 section.

12 (j) Definition of Criminal History. – For purposes of this section, the term "criminal
13 history" means a history of conviction of a State or federal crime, whether a misdemeanor or
14 felony, that includes the criminal offenses set forth in any of the following Articles of Chapter 14
15 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A,
16 Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other
17 Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious
18 Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and
19 Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17,
20 Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
21 Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means;
22 Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery;
23 Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments;
24 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public
25 Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders;
26 Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public
27 Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale
28 of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of
29 the General Statutes, and alcohol-related offenses, including sale to underage persons in violation
30 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5,
31 but shall not include disturbing the public peace, misdemeanor possession of marijuana,
32 misdemeanor larceny, shoplifting, or public drunkenness. The term shall include a final conviction
33 in another state or in a federal jurisdiction of an offense which is substantially similar to any of the
34 offenses listed in this subsection.

35 (k) Division to Ensure That Cards Are Not Used to Obtain Public Benefits. – The Division
36 shall work with other State and local agencies, including the State Board of Elections, the
37 Department of Health and Human Services, the Department of Public Instruction, and the
38 Department of Public Safety, on an ongoing basis to ensure that limited identification cards are not
39 used to obtain public benefits for which only citizens and lawfully present persons are eligible.

40 **"§ 20-37.9. Notice of change of address or name.**

41 (a) Address. – A person whose address changes from the address stated on a special
42 identification card ~~must~~ or a limited identification card shall notify the Division of the change
43 within 60 days after the change occurs. If the person's address changed because the person moved,
44 the person ~~must~~ shall obtain a new special identification card or limited identification card within
45 that time limit stating the new address. A person who does not move but whose address changes
46 due to governmental action may not be charged with violating this subsection.

47 (b) Name. – A person whose name changes from the name stated on a special
48 identification card ~~must~~ or a limited identification card shall notify the Division of the change
49 within 60 days after the change occurs and obtain a new special identification card stating the new
50 name.

1 (c) Fee. – G.S. 20-37.7 sets the fee for a special identification card. G.S. 20-37.8A sets the
2 fee for a limited identification card."

3 **SECTION 2.(c)** Subpart D of Part 4 of Article 13 of Chapter 143B of the General
4 Statutes is amended by adding a new section to read:

5 "**§ 143B-967. Criminal record checks of applicants for limited identification cards.**

6 (a) The Department of Public Safety shall, upon request, provide to the Department of
7 Transportation, Division of Motor Vehicles, the criminal history from the State and National
8 Repositories of Criminal Histories of applicants age 16 or older for limited identification cards.

9 (b) Along with the request, the Division of Motor Vehicles shall provide the following to
10 the Department of Public Safety:

11 (1) The fingerprints of the person who is the subject of the record check.

12 (2) A form signed by the person who is the subject of the record check consenting
13 to all of the following:

14 a. The criminal record check.

15 b. The use of fingerprints.

16 c. Any other identifying information required by the State and National
17 Repositories of Criminal Histories.

18 d. Any additional information required by the Department of Public
19 Safety.

20 (c) The fingerprints shall be forwarded to the State Bureau of Investigation for a search of
21 the State's criminal history record file, and the State Bureau of Investigation shall forward a set of
22 fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

23 (d) The Division of Motor Vehicles shall keep all information obtained pursuant to this
24 section confidential.

25 (e) The Department of Public Safety may charge a fee to offset the cost incurred by it to
26 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
27 locating, editing, researching, and retrieving the information.

28 (f) The Department of Public Safety may enter into a contract with a third party to conduct
29 the criminal history record check."

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

31 "**§ 18B-302. Sale to or purchase by underage persons.**

32 ...

33 (d) Defense. – It shall be a defense to a violation of subsection (a) of this section if the
34 ~~seller:~~seller does any of the following:

35 (1) Shows that the purchaser produced a driver's license, a special identification
36 card issued under G.S. 20-37.7, a limited identification card issued under
37 G.S. 20-37.8A, a military identification card, or a passport, showing his age to
38 be at least the required age for purchase and bearing a physical description of
39 the person named on the card reasonably describing the ~~purchaser,~~ purchaser.

40 (2) Produces evidence of other facts that reasonably indicated at the time of sale
41 that the purchaser was at least the required age.

42 (3) Shows that at the time of purchase, the purchaser utilized a biometric
43 identification system that demonstrated (i) the purchaser's age to be at least the
44 required age for the purchase and (ii) the purchaser had previously registered
45 with the seller or seller's agent a drivers license, a special identification card
46 issued under G.S. 20-37.7, a limited identification card issued under
47 G.S. 20-37.8A, a military identification card, or a passport showing the
48 purchaser's date of birth and bearing a physical description of the person named
49 on the document."

50 **SECTION 2.(e)** G.S. 18C-131(e) reads as rewritten:

51 "**§ 18C-131. Sales and sale price of tickets and shares; sales to minors prohibited.**

1 ...
 2 (e) It ~~shall be~~is a defense for the person who sold a ticket or share in violation of
 3 subsection (d) of this section if the person does either of the following:

- 4 (1) Shows that the purchaser produced a valid drivers license, a special
 5 identification card issued under G.S. 20-37.7, a limited identification card
 6 issued under G.S. 20-37.8A, a military identification card, or a passport,
 7 showing the purchaser to be at least 18 years old and bearing a physical
 8 description of the person named on the card that reasonably describes the
 9 purchaser.
 10 (2) Produces evidence of other facts that reasonably indicated at the time of sale
 11 that the purchaser was at least 18 years old."

12 **SECTION 2.(f)** G.S. 19A-32.1(i) reads as rewritten:

13 **"§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of**
 14 **animals in animal shelters; disposition of animals.**

15 ...
 16 (i) An animal shelter shall require every person to whom an animal is released to present
 17 one of the following valid forms of government-issued photographic identification: (i) a drivers
 18 license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification
 19 card, ~~or (iv) a passport.~~ (iv) a passport, or (v) a limited identification card issued under
 20 G.S. 20-37.8A. Upon presentation of the required photographic identification, the shelter shall
 21 document the name of the person, the type of photographic identification presented by the person,
 22 and the photographic identification number."

23 **SECTION 2.(g)** G.S. 20-7.3 reads as rewritten:

24 **"§ 20-7.3. Availability of organ, eye, and tissue donor cards at motor vehicle offices.**

25 The Division shall make organ, eye, and tissue donor cards available to interested individuals
 26 in each office authorized to issue drivers ~~licenses or licenses,~~ special identification ~~cards.~~ cards, or
 27 limited identification cards. The Division shall obtain donor cards from qualified organ, eye, or
 28 tissue procurement organizations or tissue banks, as defined in G.S. 130A-412.4(31). The Division
 29 shall offer organ donation information and a donor card to each applicant for a drivers license. The
 30 organ donation information shall include the following:

- 31 (1) A statement informing the individual that federally designated organ
 32 procurement organizations and eye banks have read-only access to the
 33 Department-operated Organ Donor Registry Internet site (hereafter "Donor
 34 Registry") listing those individuals who have stated to the Division of Motor
 35 Vehicles the individual's intent to be an organ donor and have an organ
 36 donation symbol on the individual's drivers ~~license or license,~~ special
 37 identification ~~card.~~ card, or limited identification card.
 38 (2) The type of information that will be made available on the Donor Registry."

39 **SECTION 2.(h)** G.S. 20-43(a) reads as rewritten:

40 **"§ 20-43. Records of Division.**

41 (a) All records of the Division, other than those declared by law to be confidential for the
 42 use of the Division, shall be open to public inspection during office hours in accordance with
 43 G.S. 20-43.1. A signature recorded in any format by the Division for a drivers license or ~~a special~~
 44 an identification card is confidential and shall not be released except for law enforcement purposes
 45 or to the State Chief Information Officer for purposes of G.S. 143B-1385 or the State Board of
 46 Elections in connection with its official duties under Chapter 163 of the General Statutes. A
 47 photographic image recorded in any format by the Division for a drivers license or ~~a special~~ an
 48 identification card is confidential and shall not be released except for law enforcement purposes or
 49 to the State Chief Information Officer for the purposes of G.S. 143B-1385 or to the State Board of
 50 Elections in connection with its official duties under Chapter 163 of the General Statutes."

51 **SECTION 2.(i)** G.S. 20-43.2(a) reads as rewritten:

"§ 20-43.2. Internet access to organ donation records by organ procurement organizations.

(a) The Department of Transportation, Division of Motor Vehicles, shall establish and maintain a statewide, online Organ Donor Registry Internet site (hereafter "Donor Registry"). The purpose of the Donor Registry is to enable federally designated organ procurement organizations and eye banks to have access 24 hours per day, seven days per week to obtain relevant information on the Donor Registry to determine, at or near death of the donor or a prospective donor, whether the donor or prospective donor has made, amended, or revoked an anatomical gift through a symbol on the donor's or prospective donor's drivers license, special identification card, limited identification card, or other manner. The data available on the Donor Registry shall be limited to the individual's first, middle, and last name, date of birth, address, sex, county of residence, and ~~drivers license~~ license, special identification card, or limited identification card number. The Division of Motor Vehicles shall ensure that only federally designated organ procurement organizations and eye banks operating in this State have access to the Donor Registry in read-only format. The Division of Motor Vehicles shall enable federally designated organ procurement organizations and eye banks operating in this State to have online access in read-only format to the Donor Registry through a unique identifier and password issued to the organ procurement organization or eye bank by the Division of Motor Vehicles. Employees of the Division who provide access to or disclosure of information in good-faith compliance with this section are not liable in damages for access to or disclosure of the information."

SECTION 2.(j) G.S. 20-52(a) reads as rewritten:

"§ 20-52. Application for registration and certificate of title.

(a) An owner of a vehicle subject to registration must apply to the Division for a certificate of title, a registration plate, and a registration card for the vehicle. To apply, an owner must complete an application provided by the Division. The application shall contain a preprinted option that co-owners may use to title the vehicle as a joint tenancy with right of survivorship. The co-owners' designation of a joint tenancy with right of survivorship on the application shall be valid notwithstanding whether this designation appears on the assignment of title. The application must request all of the following information and may request other information the Division considers necessary:

(1) The owner's name.

(1a) If the owner is an individual, the following information:

a. The owner's mailing address and residence address.

b. One of the following at the option of the applicant:

1. The owner's North Carolina drivers license ~~number or number,~~
North Carolina special identification card ~~number, number, or~~
North Carolina limited identification card number.

...."

SECTION 2.(k) G.S. 20-34.1 reads as rewritten:

"§ 20-34.1. Violations for wrongful issuance of a drivers license or a ~~special~~ an identification card.

(a) An employee of the Division or of an agent of the Division who does any of the following commits a Class I felony:

(1) Charges or accepts any money or other thing of value, except the required fee, for the issuance of a drivers license or a ~~special~~ an identification card.

(2) Knowing it is false, accepts false proof of identification submitted for a drivers license or a ~~special~~ an identification card.

(3) Knowing it is false, enters false information concerning a drivers license or a ~~special~~ an identification card in the records of the Division.

(b) Defenses Precluded. – The fact that the Division does not issue a license or a ~~special~~ an identification card after an employee or an agent of the Division charges or accepts money or another thing of value for its issuance is not a defense to a criminal action under this section. It is

1 not a defense to a criminal action under this section to show that the person who received or was
2 intended to receive the license or ~~special~~-identification card was eligible for it.

3 (c) Dismissal. – An employee of the Division who violates this section shall be dismissed
4 from employment and may not hold any public office or public employment in this State for five
5 years after the violation. If a person who violates this section is an employee of the agent of the
6 Division, the Division shall cancel the contract of the agent unless the agent dismisses that person.
7 A person dismissed by an agent because of a violation of this section may not hold any public
8 office or public employment in this State for five years after the violation."

9 **SECTION 2.(l)** G.S. 25-9-503 reads as rewritten:

10 "**§ 25-9-503. Name of debtor and secured party.**

11 (a) Sufficiency of debtor's name. – A financing statement sufficiently provides the name of
12 the debtor:

13 ...

14 (4) Subject to subsection (g) of this section, if the debtor is an individual to whom
15 this State has issued a drivers ~~license or license that has not expired,~~ special
16 identification card that has not expired, or limited identification card that has
17 not expired, only if the financing statement provides the name of the individual
18 which is indicated on the drivers ~~license or license,~~ special identification
19 card, card, or limited identification card;

20 ...

21 (g) Multiple Drivers Licenses or Special Identification Cards. – If this State has issued to
22 an individual more than one drivers license or ~~special~~-identification card of a kind described in
23 subdivision (a)(4) of this section, the one that was issued most recently is the one to which
24 subdivision (a)(4) of this section refers.

25"

26 **SECTION 2.(m)** G.S. 66-253 reads as rewritten:

27 "**§ 66-253. Display of identification upon request.**

28 Upon the request of any customer, State or local revenue agent, or law enforcement agent, a
29 peddler, an itinerant merchant, a specialty market operator, or a specialty market vendor must
30 provide its name and permanent address. A peddler, itinerant merchant, specialty market operator,
31 or specialty market vendor who is an individual must, upon the request of any customer, State or
32 local revenue agent, or law enforcement agent, provide a valid drivers license, a special
33 identification card issued under G.S. 20-37.7, a limited identification card issued under
34 G.S. 20-37.8A, a military identification, or a passport bearing a physical description of the person
35 named reasonably describing the peddler, itinerant merchant, specialty market operator, or
36 specialty market vendor. A peddler, itinerant merchant, specialty market operator, or specialty
37 market vendor that is a corporation must, upon the request of any customer, State or local revenue
38 agent, or law enforcement agent, give the name and registered agent of the corporation and the
39 address of the registered office of the corporation, as filed with the Secretary of State."

40 **SECTION 2.(n)** G.S. 66-254(a) reads as rewritten:

41 "**§ 66-254. Records of source of new merchandise.**

42 (a) Record Required. – Each peddler, itinerant merchant, and specialty market vendor must
43 keep a written record of the source of new merchandise the merchant offers for sale. The record
44 must be a receipt or an invoice from the person who sold the merchandise to the merchant. The
45 receipt or invoice must specifically identify the product being sold by product name and quantity
46 purchased and must contain the complete business name of the seller and a description of the type
47 of business. If the seller was an individual, the receipt or invoice must contain the seller's drivers
48 license number, its state of issuance and expiration date, and the seller's date of birth. The
49 merchant must verify this information by comparing the seller's drivers license to the receipt or
50 invoice and signing the receipt or invoice. A special identification card or limited identification
51 card issued by the Division of Motor Vehicles may be used in place of the seller's drivers license

1 for the purposes of providing and verifying information required under this section. If the seller
2 was a corporation, the receipt or invoice must contain the corporation's federal tax identification
3 number, the state of incorporation, the name and address of the corporation's registered agent in
4 this State, if any, and the corporation's principal office address."

5 **SECTION 2.(o)** G.S. 90-106.1(a) reads as rewritten:

6 "**§ 90-106.1. Photo ID requirement for Schedule II controlled substances.**

7 (a) Immediately prior to dispensing a Schedule II controlled substance, or any of the
8 Schedule III controlled substances listed in subdivisions 1. through 8. of G.S. 90-91(d), each
9 pharmacy holding a valid permit pursuant to G.S. 90-85.21 shall require the person seeking the
10 dispensation to present one of the following valid, unexpired forms of government-issued
11 photographic identification: (i) a drivers license, (ii) a special identification card issued under
12 G.S. 20-37.7, (iii) a military identification card, ~~or~~ (iv) a ~~passport~~.passport, or (v) a limited
13 identification card issued under G.S. 20-37.8A. Upon presentation of the required photographic
14 identification, the pharmacy shall document the name of the person seeking the dispensation, the
15 type of photographic identification presented by the person seeking the dispensation, and the
16 photographic identification number. The pharmacy shall retain this identifying information on the
17 premises or at a central location apart from the premises as part of its business records for a period
18 of three years following dispensation."
19

20 **PART III. MISCELLANEOUS PROVISIONS**

21 **SECTION 3.** Article 1 of Chapter 64 of the General Statutes is amended by adding
22 the following new section to read:

23 "**§ 64-6. No criminal investigation, arrest, or detention in circumstances in which holders of**
24 **other forms of identification would not be subject to investigation, arrest, or**
25 **detention.**

26 Possession of a limited identification card issued under G.S. 20-37.8A, standing alone, shall
27 not be used as a basis for a criminal investigation, arrest, or detention in circumstances in which a
28 person who possesses some other form of identification would not be criminally investigated,
29 arrested, or detained."
30

31 **PART IV. EFFECTIVE DATE AND SEVERABILITY CLAUSE**

32 **SECTION 4.(a)** Section 1 of this act becomes effective December 1, 2017, and
33 applies to offenses committed on or after that date. Sections 2 and 3 of this act become effective
34 January 1, 2018. Except as otherwise provided, the remainder of this act is effective when it
35 becomes law.

36 **SECTION 4.(b)** The provisions of this act are severable. If any part of this act is
37 declared invalid or unconstitutional, the declaration shall not affect the remainder of this act. If
38 any particular interpretation or application of the provisions of this act is declared invalid or
39 unconstitutional, the declaration shall not affect other interpretations or applications of this act.