

AK LEGISLATURE FINANCE COMMITTEES FILES 2007-2008 3143

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## APPENDIX A

## Examples of State Action to Improve Driver's License Integrity

Many states are enhancing their driver's license issuance process. Florida may make it a felony for anyone to sell or manufacture a counterfeit driver's license. It may also require non-citizens to show extra identification before being given a new or renewed license. In New Jersey, citizens may have to produce official copies of birth or marriage certificates to get new IDs. More state activities are described below:

Delaware

Governor Minner's package of homeland security legislation includes S.B. 287 - Driver's License Security - Expands the requirements for persons applying for a driver's license in Delaware. Most significantly, it would require an applicant to provide proof that the applicant is legally in the United States. Sponsored by Sen. Henry and Rep. Smith.

Florida

In October, Florida Gov. Jeb Bush ordered tighter controls on issuing driver's licenses to foreigners after the disclosure that three of the Sept. 11 hijackers had overstayed their visas yet had current Florida driver's licenses or state ID cards. Bush ordered that the licenses of foreign drivers expire at the same time as their permits to be in the country. He also directed that motor vehicle officials keep copies of any foreign documents used by license applicants.

Iowa

Iowa's government is building a clearinghouse that state agencies could use to block the issuance of false driver's licenses and other personal identification documents. The Identity-Security Clearinghouse would electronically tie a resident's birth certificate to the issuance of a Social Security number and only one ID document, such as a driver's license. Safeguarding personal identities could reduce identity theft and fraud.

Kansas

Legislation that would help protect Kansans' financial privacy won preliminary approval in the Senate. The bill would require that a person's thumbprint appear on a driver's license or state identification card, along with a photograph. To obtain a driver's license or identification card, a person would have to show proof of age or identity or both. After July 1, 2003, a thumbprint would be required. The legislation also would require an applicant to submit a Social Security number to be checked by the Division of Motor Vehicles. In addition, \$1 would be added to the fee for obtaining a license. That would raise about \$750,000 annually, which would cover the cost of validating the new data.

Kentucky

Foreigners applying for Kentucky driver's licenses must now wait up to 30 days to learn if they are eligible, under one of many changes adopted by the state Transportation Cabinet to ferret out illegal applicants. The state also has begun requiring foreign applicants to present photo identification and to prove they are residents of Kentucky by submitting lease agreements, utility bills or similar documents.

Minnesota

An amendment making non-citizens' drivers licenses a different color from citizens' licenses passed 14-10. Immigrants' representatives say making the licenses look different would subject immigrants to harassment and discrimination. Non-citizens' licenses would also expire at the same time as their visas.

Nebraska

A recent change in the Nebraska Department of Motor Vehicles computer system matches information supplied by Nebraskans with information supplied by the Social Security system.

Additional restrictions in Nebraska include having at least two forms of U.S.-based proof of identification including: birth certificate, a license from out of state that is not mutilated or altered and the signature match, a valid U.S. passport, a valid military identification card, marriage license or divorce decree, a foreign passport, foreign-based birth certificate, parole papers, naturalization papers, certificate of citizenship papers or legal offenders or inmate card.

New Mexico

Governor Gary Johnson signed House Bill 135, allowing the Taxation and Revenue Department to enact a regulation allowing the

department to accept alternative documents for the issuance of a driver's license. Prior to the signing of this bill New Mexico State Law in Chapter 66-5-9B required the Motor Vehicle Division (MVD) to obtain the Social Security Number (SSN) as part of the application for a driver's license. The division receives requests a weekly basis from legal resident aliens who are not eligible for a SSN. Many of those interested in driving privileges are the dependants of contract employees at our national labs, military installations and other high tech industry. Other requests come from international students studying in New Mexico. MVD will accept alternative identification documentation including passports, visas issued by the United States as well as other cards issued by the United States Immigration and naturalization service.

West Virginia

West Virginia is on the cutting edge of a national effort to impose tighter restrictions on getting a driver's license. West Virginia is the only state in the nation that uses computer images of applicants' faces to make sure they are who they say they are. And the state is moving toward an even more advanced version of the technology. Facial imaging technology measures the bone structure of applicants' faces. It can then match one face against another. When an applicant gets his or her picture taken, the Department of Motor Vehicles computer compares his or her face against the photo already in the database that is connected to the applicant's name. That system can catch a person who is pretending to be someone else. The system, which had been in place since 1997, has caught 8,000 to 10,000 potential imposters.

Driver's License Summary of State Action

Following the attacks on September 11<sup>th</sup>, most states have undertaken efforts to bolster security in the driver's licensing process. Issues such as license design changes, biometric information, increased penalties for fraud, limited replacement licenses, improved training for Department of Motor Vehicle staff members, and other safeguards are all being considered or have been acted on. Below is a summary of actions taken by states.

Expiration of Visa/DL Expiration

Several states have enacted legislation that ties expiration of an individual's driver's license to the expiration of the immigration visa. Arizona, Florida, Kentucky, Minnesota and Ohio have all passed similar legislation. Additionally, Rhode Island and Michigan have passed legislation that requires driver's license applicants to submit proof that they are in the United States legally.

Increased Identification Requirements

A majority of states have altered the requirements necessary to obtain a drivers license. Previously, in some states, an applicant needed only one form of identification (In some instances, a picture identification was not required). However, following September 11<sup>th</sup>, restrictions have been implemented rendering obtaining a drivers license more stringent, but also, safer. Delaware, Iowa, Kentucky, Minnesota, Nebraska, to name a few have all mandated increased requirements in the driver's license application process.

Technological Changes/Physical Changes to Drivers License

A few states have increased the technological aspects of their motorists' driver's licenses. These changes include biometric identifiers like thumbprints, facial structure, voice or the structure of the eye's retina to establish and verify--Georgia and West Virginia currently use this technology. California, Colorado, Florida, Georgia, Hawaii, Texas, and West Virginia currently collect fingerprints in the driver's licensing process, although only Georgia uses them to verify identity when issuing replacement licenses. Additionally, other states have mandated the implementation of a central database containing information on license holders. Kansas has passed legislation requiring a person's thumbprint appear on the driver's license. Nebraska, in 2003, will introduce a digital license containing personal information on a magnetic barcode. Connecticut will, effective July 1, 2002, issue a new driver's license containing: 1) A 2-D Bar Code with encrypted information, 2) "One-to-one" biometric facial recognition capability, and 3) Six state-of-the-art "overt" and "covert" security features. Minnesota has passed legislation that makes noncitizen's driver's license a different color from a citizen's license.

Federal Support Against ID Fraud

The federal government has also worked to aid states in the fight against ID fraud. With the passage of the USA Patriot Act, states are prohibited from issuing or renewing the license of anyone seeking to transport hazardous materials unless the U.S. Department of Transportation has cleared the individual seeking the license of any security concerns. Additionally, the Department of Justice must also perform a background investigation into the individual prior to issuance or renewal of a license.

Driver's License Legislation

State	Bill #	Summary	Last Action as of May 2002
Alaska	HB 344	Increase fees for non commercial driver's licenses and identification cards	January 18, 2002:

		to allow state to convert to digital technology for Identification cards and driver's licenses	Introduced, April 15, 2002; Passed House, May 1, 2002; Do Pass from Senate Finance Committee.
<u>Alabama</u>	HB 419	Authorizes the Department of Public Safety to Implement security upgrades for driver licensing including features to aid law enforcement in determining whether the vehicle belongs to the license holder and bar codes with criminal history.	Died at end of regular session.
<u>Arkansas</u>	HB 1028	Allows passport photographs to be used on driver's license and allow for thumbprint on driver's license to be optional.	March 23, 2001: Withdrawn by Author.
<u>Arizona</u>	HB 2255	Removes provisions requiring proof of legal presence in United States under federal law and allowing other documents in lieu of social security number. Also, adding provision that possession of a driver's license is not proof of U.S. citizenship.	January 21, 2002: read second time in House.
	SB 1459	See HB 2255	March 14, 2002: Held in Committee
<u>California</u>	AB 66	Allows use of individual taxpayer identification number in lieu of social security number when social security number is not available. Requires showing of lawful presence in the United States, or that application for lawful immigration status has been initiated. Limits the duration of licenses or identification cards issued under these circumstances to 3 years.	Passed both Houses, then withdrawn from enrollment by author: January 14, 2002.
	AB 2112	Non-residents 21 years of age or older, transporting hazardous materials must have hazardous materials endorsement that is recognized by the state.	February 19, 2002: Introduced. May 9, 2002: Passed Assembly, in Senate to Rules Committee
	AB 1155	Makes it a crime for a government employee knowingly assist another person in obtaining a driver's license, identification card, or other document issued by Department of Motor if the employee knows that the person is not entitled to that document and that the person intends to use the document for an unlawful purpose.	Passed Assembly June 5, 2001. June 12, 2001: In Senate Committees on Public Safety and Rules.
	AB 1474	Requires the DMV to cross-reference thumb or fingerprints collected at application for driver's license or identification cards with state Department of Justice database to prevent fraud. Increases driver's license fees to pay for system. Bill also prohibits use of this information by third parties.	Passed Assembly June 4, 2001. June 12, 2002 referred to Senate Transportation Committee.
	AB 1754	Creates conspiracy misdemeanor for individuals other than government employees who assists another in obtaining a DMV document (e.g. driver's license or identity card) punishable by up to 6 months in jail and/or \$50,000 fine.	May 23, 2002: Assembly Committee on Public Safety voted to pass.
	AB 2113	Creates misdemeanor for government employee to assist an individual in	May 14, 2002:

		fraudulently obtaining a DMV document. Mandates that renewal of driver's licenses and identity cards must be made in person and requires DMV to compare photographs and likeness of information provided for issuance of new, or duplicate license or I.D.	Assembly Committee on Public Safety voted to pass. May 16, 2002; Referred to Appropriations Committee.
	SB 661	DMV to create biometric identifier from the collect thumbprint at application for driver's license or identification card.	Died February 4, 2002.
	SB 1254	Expands "personal identifying information" in identity theft law to include federal driver's license, biometric information, and other specified information. Also, this legislation increases penalties related to possession of identity information.	Passed Assembly May 8, 2002. May 20, 2002: In Senate Committee on Public Safety.
Colorado	SB 112	Requires that to receive a driver's license while using an out of state license for proof of age from a state that does not require licensee to be present in the U.S. lawfully, additional documentation is needed to prove lawful presence.	April 2, 2002: Signed by Governor.
	SB 67	Authorizes the division of motor vehicles to issue a driver's license, temporary license, or identification card to a person with an individual taxpayer identification number issued by the internal revenue service. Eliminates the prohibition against issuing a driver's license, temporary license, or identification card to a person who is not legally in the country.	Introduced: January 11, 2002. Died in Senate Committee on Government, Veterans and Military Relations, and Transportation: February 14, 2002.
	HB 1187	Decreases the term validity of a driver's license or identity card from 10 to 5 years.	April 3, 2002: postponed indefinitely (dead) In House appropriations committee.
Connecticut	HB 5759	Allows Commissioner of Motor Vehicles to fingerprint applicants for driver's licenses.	Signed by Governor; June 3, 2002.
	SB 19	Adds individual's photograph, digitized image and social security number to definition of "highly restricted personal information" to be disclosed only in accordance with 18 U.S.C. 2721 (FEDERAL DRIVER'S PRIVACY PROTECTION ACT)	March 12, 2002: incorporated into SB 20 (Signed by Governor June 3, 2002)
Delaware	SB 287	Requires social security number and proof of legal residence in the United States to receive a driver's license or identification card, and revocation if individual is deported.	In Senate Public Safety Committee, January 22, 2002
	SB 299	Ties expiration of driver's license and identity cards to the date of expiration of legal presence in the United States. Requires proof of continued legal presence upon renewal.	Introduced March 12, 2002. In Senate Public Safety Committee.
	SB 310	Fixes expiration of driver's license to date of termination of legal residence in the United States.	Introduced March 14, 2002. In Senate

			Public Safety Committed.
Florida	HB 223	Provides, that foreign residents who are in Florida with a visa and who are issued a Florida driver's license, that the driver's license shall expire 4 years after the date of issuance or upon the expiration of the visa, whichever date first occurs; prohibits renewal of a driver's license to a person who has been issued a visa unless the person presents a valid visa at the time of renewal.	Tabled: March 14, 2002.
	HB 899	Similar to SB 306 (Enacted)	Died: March 22, 2002
	SB 306	Adds provisions to fraudulent driver's license or identification card manufacture or sale. Allows investigation of activities by law enforcement.	Approved by Governor April 25, 2002 (Chap. 2002-178).
	SB 520	Revises application requirements for driver's licenses and identification cards including use of out of state licenses from states that require submission of documentation of legal presence in the United States. Applicants may include submission of fingerprints. If nonimmigrant status is documented, expiration of the license is the date of expiration of those documents with a maximum of two years duration. If green card is used for identification the license shall expire on the fourth birthday after issue and individual is exempted from renewal in person. If identity is established by employment authorization card or any document for showing nonimmigrant classification, expiration is 4 years (or on the expiration of the document if sooner) after issue and requires renewal in person (changes of name or address must also be made in person). Also, amends statutes related to fraudulent manufacture and sale of driver's licenses and identification cards.	Passed Senate February 20, 2002. Passed House as amended: March 20, 2002. Senate concurred: March 22, 2002. Presented to Governor: April 30, 2002. Signed May 15, 2002.
	SB 324	Foreign residents who are in Florida with a visa and who are issued a Florida driver's license, that the driver's license shall expire 4 years after the date of issuance or upon the expiration of the visa, whichever date first occurs; prohibits renewal of a driver's license to a person who has been issued a visa unless the person presents a valid visa at the time of renewal.	Died in Senate Transportation Committee: March 22, 2002.
Georgia	HB 1008	Licenses expire upon ending of legal authorization in the United States. New licenses issued shall indicate whether the licensee is a U.S. citizen and the date of the end of their legal authorization in the United States.	Read for second time in House: January 16, 2002.
	SB 480	Similar to HB 1008	Read and referred in Senate February 25, 2002.
	HB 851	Changes the definition of 'Resident' to a person who, except for infrequent, brief absences, has been present in the state for 30 or more days; provided, however, that any person's status as a resident shall be determined without regard to whether such person is either a United States citizen or an alien with or without legal authorization from the U.S. Immigration and Naturalization Service.	March 7, 2001: read second time.
	HB 983	Allows use of driver's license issued by a state that borders Georgia or a license issued by a country that borders the United States for driving in the state.	Introduced January 14, 2002.

	HB 1131	Creates crime for manufacture, sale, or distribution of any counterfeit or altered driver's license or identification card and establishes penalties.	January 30, 2002: To House Committee on Special Judiciary.
Hawaii	HB 926	Allows use of unexpired passport in lieu of birth certificate to prove U.S. citizenship for issuance of identification certificate from the state.	Carried over from 2001. Died at end of 2002 session May 2, 2002.
	HB 986	Creates the felony for sale or manufacture of deceptive identification document.	Approved by Governor June 13, 2001 (Act 230)
	SB 645	Relating primarily to underage drinking-this bill requires magnetic strips or bar codes to be placed on all driver's licenses and identification cards to allow for electronic verification of age at the time of alcohol sales.	Passed Senate March 6, 2001. Carried over from 2001. Died at end of 2002 session May 2, 2002.
	SB 786	Creates felony offense for the manufacture or sale of false identification to an individual under the age of twenty-one.	Carried over from 2001. Died at end of 2002 session May 2, 2002.
Illinois	HB 3382	Amends the Illinois Vehicle Code; allows the Secretary of State to accept an alternate form of identification for an applicant for a driver's license who does not have a Social Security Number; provides that a temporary license may be issued to an applicant if he or she is applying for a non-photo driver's license for religious reasons or as a result of facial disfigurement and is waiting for that application to be processed.	In Rules Committee: May 23, 2001.
	HB 4174	As amended, requires Department of State Police and Secretary of State to develop a policy for collecting and encoding fingerprint information on driver's licenses and identification cards. Requires report to be submitted by April 1, 2003 on proposed policy, fiscal impact and suggested legislative measures.	April 5, 2002: In House Rules Committee.
	HB 4472	Revises vehicle code to add prohibition of knowing use of use of fraudulent or altered driver's license or identification to purchase a ticket on, or board, a "common carrier."	Passed Both Houses: May 7, 2002.
	HB 4951	Increases penalties for manufacturing or using false information to obtain a fictitious driver's license or identification card. Also, increases penalties for possession, manufacturing, etc. of a false driver's license or identification card.	April 5, 2002: In House Rules Committee.
	SB 167	Provides that the Secretary of State shall license applicants request substitute for the applicants Social Security number his or her federal tax number or an alternative identifying number to be assigned by the Secretary.	May 22, 2001: In Senate Rules Committee, Co- sponsor added.
	SB 1926	Driver's licenses and identification cards issued to persons under the age of 21 shall include the date upon the person turns 21 years of age.	Sent to Governor May 22, 2002.
	HR 4	Urges the state Attorney General to review the policies or requiring SSN at application for state driver's license.	Resolution Adopted, March 21, 2001.

Iowa	HB 2608	Application for driver's license to include race.	March 28, 2002: In House Transportation Committee
	SB 2192	Allows Department to waive social security number requirement for persons that are not foreign nationals temporarily present in the state. Also adds provision so that licenses and identification cards issued to foreign nationals shall expire with their legally present status, with duration not exceeding two years.	Signed by Governor: April 4, 2002.
	SB 2302	Licenses and identification cards issued to foreign nationals shall expire concurrent with their legal status, not exceeding two years.	February 26, 2002: In Senate Transportation Committee.
	HB 647	Amends provision relating to the release of digital photographs to allow for their release to state and federal agencies in performance of their duties.	Signed by Governor: April 26, 2001.
Kansas	HB 2135	Amends language relating driver's licensing, allowing use of IRS taxpayer identification number.	Introduced: January 24, 2002. Referred to House Judiciary Committee: February 28, 2002.
	SB 410	Adds digital images to "motor vehicle records" that are not to be disclosed. Amends purposes and procedures for how and when those records can be disclosed including their use for carrying out law enforcement.	Approved by Governor April 24, 2002.
	SB 559	Requires facial recognition identifier. Requires social security number. Requires legal presence in the United States. Temporary driving permit can be issued to individual not lawfully present in the United States that possess an IRS taxpayer identification number and can show KS residency. The temporary permit is revoked on expiration of visa and must be renewed annually.	Passes Senate: March 12, 2002. Failed in House: April 11, 2002.
Kentucky	HB 106	Implements a statewide child identification program where children between ages of 2 and 15 can be issued a non-driver identification card where picture taken for the card is stored in the driver license information system.	April 9, 2002: Signed by Governor (Acts ch. 261)
	HB 188	Requires the circuit clerk to verify a person's driving status in the National Drivers Register before issuing the person a Kentucky license; requires applicants for a license to provide proof of residency; prohibits the issuance of a nondriver's identification card to any person who has a driver's license or instruction permit. License expiration when visa expires or one year, whichever is shorter. License renewal always one year.	April 9, 2002: Signed by Governor (Acts ch. 264)
	HB 189	Requires all new applicants and persons initially renewing a commercial driver's license to undergo a state and national criminal background check. Allows a non-resident to be issued a CDL instruction permit and CDL if the person is enrolled in a truck-driving program. Requires that non-residents be issued a provisional Class D license for the purpose of including a CDI instruction permit into a single license.	April 5, 2002: Signed by Governor (Acts ch. 204)
	HB 867	Creates a 16 member task force to analyze the cost to implement a process to issue secure and tamper proof digitized driver licenses	Passed House: March 19, 2002. In

			Senate Transportation Committee: March 25, 2002.
	HB 205	Requires the Social Security number of an applicant for an operator's license only if the applicant has a Social Security number; expands the list of eligible documents used by foreign nationals applying for a Kentucky operator's license.	January 9, 2002: to House Transportation Committee.
Louisiana	SB 89 A	Ties expiration of visa to the expiration of driver's license, and prohibits nonresident alien from providing false information regarding lawful presence at application.	Signed by Governor: April 18, 2002.
	HB 107A	Removes identification cards issued by federal, state, or local government agencies and out-of-state driver's licenses from the list of identification documents and adds permanent resident alien cards issued after July 1997. Allows department to issue licenses and identification cards for a duration of less than years based on evaluation of immigration information.	Introduced March 25, 2002. April 1, 2002: In House Transportation Committee.
Maine	HB 80 (LD 89)	Eliminates the requirement that a person submit a SSN for application for driver's license.	Introduced January 9, 2001. Died on May 16, 2001.
	HB 850 (LD1122)	Exempts clergy from submitting SSN for driver's license	Died on April 30, 2001.
	SB 192	Repealing requirement that an individual who applies to the Motor Vehicle Administration for an application for an identification card may not have a driver's license; and repealing a requirement that a holder of an identification card surrender the identification card upon being issued a driver's license by the Administration.	
Maryland	HB 1036	Authorizes the Motor Vehicle Administration's investigative division can issue citations for violations related to the issuance of identification laws.	Signed by Governor: April 25, 2002 (Chapter 100)
	SB 639	HB 1036	Vetoed by Governor May 15, 2002. Cross filed bill (HB 1036) was signed.
	SB 192	Repeals a requirement that an individual who applies for an identification card may not have a driver's license. Also repeals a requirement that a holder of an identification card surrender the identification card upon being issued a driver's license.	February 18, 2002: Senate Judiciary Proceedings Committee reported unfavorably.
Massachusetts	HB 1268	Amends current law so as not to allow holders of valid out of state licenses to apply for a state liquor purchase identification card.	House Committee reported May 23, 2001.
	HB 3087	Allows employees of liquor establishments to confiscate identification cards and licenses believed to be fraudulent.	Bill now accompanies a study order (HB 5031) Discharged to House Committee on

			Rules: April 23, 2002.
	HB 3391	Eliminates the requirement that applicants for certain licenses provide their social security numbers. (not sure if this includes DL)	
Michigan	HB 4037	Increases penalty for fraudulent duplication of driver's license. Establishes penalty for possession of fraudulent license.	Approved by Governor. April 9, 2002 (Public Act 126-02)
	HB 5041	Bill was tie-barred to HB 4037	
	HB 5497	Prohibits the secretary of state from issuing a driver license to a person who is in the United States unlawfully. Further, the bill specifies that the expiration of a legal alien's license would be the customary expiration date (on the birthday of the person in the fourth year following the date of issuance), or the date on which that person's presence in the United States became unlawful, whichever occurred first.	Passed House: February 7, 2002. In Senate Committee on Transportation and Tourism: February 13, 2002.
	HB 5504	Requires applicant for HAZMAT to provide fingerprints. No license will be granted if violation under "Terrorism" section of MI criminal law. Revocation for violation of "terrorism" or if individual if DMV has been notified that the individual is a security risk under the U.S. Patriot act by the U.S. DOT.	Passed House: February 28, 2002. Amended in Senate and Passed March 21, 2002. Houses Concurred April 18, 2002. Approved by Governor: May 2, 2002 (Public Act 259-02)
	SB 931	Prohibits issuance of identification card to individuals not lawfully present in the United States. Issued identification cards will expire on the date presence is no longer lawful.	Passed Senate: February 6, 2002. In House Committee on Transportation: February 6, 2002.
	SB 935	Requires submission of fingerprints for group designation for license. Criminal background checks.	December 11, 2001: In Senate Committee on Transportation and Tourism.
	SB 943	Establishes penalty for transporting items requiring labeling under federal regulations for hazardous materials. Prohibits transport of hazardous materials without proper endorsement.	Approved by Governor April 9, 2002 (Public Act 118-02)
	SB 955	Increases penalty for fraudulent reproduction or alteration of a driver's license.	December 13, 2001: In Senate Committee on Transportation and Tourism
	SB 960	Requires lawful presence in the United States to obtain a driver's license. Department may report information on the illegal status of an individual found in examination of documents submitted for driver's license.	December 13, 2001: In Senate Committee on

			Transportation and Tourism
Minnesota	HF 2622	Requires proof of residency in state for driver's license application and renewal. Requires proof of lawful presence in the United States. Driver's license from another U.S. state is proof of lawful presence. If presence is only lawful for 30 days or less no license can be issued. Licenses issued expire on the date legal presence ends or the earlier of 4 years. Incorporates federal regulations for HAZMAT endorsement.	Action
	HB 2487	Requires proof of residency in state for driver's license application and renewal. Requires proof of lawful presence in the United States. Driver's license from another U.S. state is proof of lawful presence. If presence is only lawful for 30 days or less no license can be issued. Licenses issued expire on the date legal presence ends or the earlier of 4 years.	Action
	HB 2946 SB 2683 SB 2855	Among other provisions, if applicant is not a citizen or permanent alien, license expires on date visa expires.	Action
	HF 3686	Resolution urging the U.S. Congress to repeal federal law requiring states to record social security number on application for a driver's license.	March 12, 2002: Introduced.
	SF 3327	Companion to HF 3686	February 20, 2002: Referred to Senate Transportation Committee.
	HF 2122	Prohibits making or possessing a counterfeit driver's licenses or identification cards or having materials for counterfeiting.	April 17, 2001: Committee reported to pass as amended.
	SF 1711	Companion to HF 2122	May 7, 2001: Referred to Senate Judiciary Committee.
Mississippi	HB 1348	Driver's licenses and identification cards issued to non-U.S. citizens shall expire in one year.	Died in Committee: February 5, 2002.
	SB 2737	Driver's licenses and identification cards issued to non-U.S. citizens shall expire in one year.	Passed Senate: February 13, 2002. Died in House: March 5, 2002.
Missouri	HB 1416	Requires person with immigration visa to notify the Director of Revenue of that fact upon application for driver's license.	March 19, 2002: Executive session held, voted do pass.
	HB 1462	Details not available	Introduced January 15, 2002; Withdrawn by author January 16, 2002.
	HB 1881	Allows the Director of the Department of Revenue to require aliens, at the	Passed House: April

		time of application for a driver's license, to provide a translated and notarized copy of a birth certificate in addition to all other required information. Also allows individual taxpayer identification number (ITIN) instead of social security number.	4, 2002. April 15, 2002: Senate Committee voted Do Pass.
Nebraska	LB 924	Authorizes the use of biometric identifiers on driver's licenses and identification cards.	Died April 19, 2002.
	LB 574	Provides for the implementation of a digital system (for signatures and photos) for issuance of motor vehicle operators' licenses and identification cards.	Signed by Governor March 28, 2001.
New Hampshire	HB 1456	Creates a misdemeanor for any person to knowingly scan, record, retain, or store, in any electronic format, personal information obtained from any driver's license, unless authorized by the department of safety.	Signed by Governor: May 17, 2002.
New Jersey	AB 3922	Under current law, licenses are not granted to individual's not lawfully present in the United States. This bill addresses the problem of illegal aliens presenting false documents in order to receive a license. These bills also would close a loophole which has allowed certain aliens whose green cards have expired to retain a legal driver's license. The bill would require any license or identification card issued to an alien to expire on the date the alien's authorization to be in the United States expires.	November 19, 2001: Introduced and referred to assembly appropriations committee.
	SB 2630	Identical to AB 3922	November 29, 2001: Combined With S2708
	SB 1159	Makes the forgery of means of identification, including a driver's license, a crime of the third degree.	February 25, 2002: Introduced and referred to Senate Judiciary Committee
	SB 1332	Identical to AB 1346. Amends offenses related to unlawful use of "personal identifying information."	Introduced and referred to Senate Judiciary Committee: March 14, 2002
	AB 1346	Identical to SB 1332.	Second reading February 4, 2002.
	SB 2708	Driver's license and identification card expiration shall be fixed to end of legal presence in the United States. Director may refuse to grant a license if there is reason to suspect any identification documents are false until they are verified. Requires the use of digital pictures on driver's license. Allows the use of non-laminated licenses if they are secure. Allows the storage of motor vehicle information, digital photo and digital signature on a magnetic strip on the license.	January 8, 2002: Approved (P.L.2001, c.391).
New Mexico	HB 135	Allows Secretary to establish, by regulation, other documents that may be accepted instead of social security number.	Signed by Governor February 28, 2002.
New York	AB 9603	Allows the use of the individual tax identification number when a legal immigrant applies for a driver's license.	January 11, 2002: In Assembly Transportation

			Committee.
	AB 9835	New York State driver's license of a resident from a foreign country, who has been issued a visa in this state, shall expire upon the expiration of the visa.	May 14, 2002: held for consideration in Assembly Transportation Committee.
	SB 6062	Concurrent expiration of driver's license and visa.	May 5, 2002: amended in Senate Transportation Committee.
	AB 9586	Drivers licenses of aliens lawfully admitted for permanent residence in the United States and in New York to provide for concurrent expirations of such alien's visa and driver's license.	Amended in Transportation Committee: May 10, 2002
	AB 9738	Allows the use of alternate forms of identification where an applicant for a driver's license does not have a social security number or an individual tax identification number.	January 22, 2002: referred to Assembly Transportation Committee
	SB 2721	Every applicant for a driver's license on non-driver identification card will be required to submit proof that the applicant's presence in the United States is lawful under federal law.	Ordered to third reading with amendments March 12, 2002.
North Carolina	SB 600	Orders Division to recall all driver's licenses issued with invalid or fictitious social security number and reissue licenses upon showing a valid social security number.	Passed Senate April 25, 2001, in House Committee as of October 10, 2001.
Ohio	SB 184	Makes all licenses issued to temporary residents nonrenewable and may not be relied upon to obtain a license in another state. Nonrenewable license expires on same date on legal presence document.	Signed by Governor: May 15, 2002.
Oklahoma	HB 2887	Requires applicants for driver's license or identification card to submit fingerprint to be placed on driver's license.	Failed: March 6, 2002.
	SB 982	Requires applicants for driver's license or identification card to submit fingerprint to be placed on driver's license.	Passed Senate: February 28, 2002. Failed in House: April 16, 2002.
	HB 1308	Authorizes the use of fingerprints to prove identity for license or identification card. Adds fingerprint image to personal identifying information exception for state open records act. Also adds provision providing for \$1 of license renewal fees, \$3 of identification card renewal fees and \$5 of license replacement fees are deposited into Department of Public Safety Computer Imaging System Revolving Fund to be used solely for the purpose of administration and maintenance of the computerized imaging system of the Department. Provides for licenses that bear the social security number shall be replaced with a computer generated number.	Signed by Governor: June 4, 2001.
	HB 2277	Increases fine for providing false identification documents. Increases fine for employee knowingly issuing a state driver's license to a person	February 5, 2002: to House Criminal

		providing false information.	Justice Committee.
Pennsylvania	HB 2416	Establishes thumbprint or other biometric database to be used for authentication of an individual's identification for driver's licensing purposes only.	Referred to Transportation Committee March 13, 2002.
Rhode Island	HB 6923	Requires all driver's license applicants to furnish proof that they are lawful residents of the United States. This act would take effect upon passage.	January 30, 2002: Scheduled for hearing and/or consideration in House Corporations Committee.
	HB 7208	Resolution creating a commission to study the feasibility of encrypting state identification cards and driver's licenses with bar codes.	February 5, 2002: to House Finance Committee.
South Carolina	HB 4670	Permits certain persons from other countries who are present in South Carolina on a student visa or on a work visa or their dependents to obtain a driver's license or have their driver's license renewed by showing a valid INS, DOJ, or DOS document.	Passed Both Houses: May 16, 2002.
South Dakota	HB 1259	Adds race to information that must be provided in application for, and displayed on, a driver's license	Died at end of regular session.
Tennessee	HB 2695	Creates list of primary and secondary documents allowed for proof of identity and state residency.	Carried over to 2003 session.
	SB 2680	Identical to HB 2695.	In Senate Transportation Committee: April 23, 2002.
	HB 3186	Requires the Department to examine the state's licensing requirements in view of homeland security issues and report findings and recommendations.	On calendar in House for May 22, 2002.
	SB 3139	Identical to HB 3186	Passed Senate April 24, 2002, In House.
	HB 2028	Requires affidavit stating that no social security number was issued and the submission of IRS I 94 form in order for a person without a social security number to be issued a license; redefines "resident" for purposes of driver's license issuance.	January 15, 2002: Assigned to subcommittee on Transportation Safety and Planning.
	HB 2029	Removes provision allowing person without social security number to obtain license.	April 23, 2002: Action defeated in subcommittee on Public Transportation and Highways.
	SB 1999	Identical to HB 2029	Assigned to subcommittee of Transportation:

			April 23, 2002
	SB 1266	Authorizes person without social security number to receive driver license if person submits an affidavit affirming that they have never been issued social security number. Also allows noncitizens to be given a driver's license if they provide proper documents demonstrating identification.	Signed by Governor: May 3, 2001.
	HB 983	Identical to SB 1266	See SB 1266
Texas	HB 396	Allows use of other documents if applicant for driver's license does not have a social security number including a tax identification number or a letter from the social security administration. Bill also includes list of documents to prove identity at application for driver's license including a passport, foreign work permit that bears a photograph or any other proof of identity satisfactory to the Department.	June 17, 2001: Vetted by Governor.  Note: Texas had no 2002 session.
Utah	HB 187	Becomes class C misdemeanor to alter date on driver's license or to use a false or modified identification card.	Signed by Governor: March 18, 2002.
	HB 101	Requires race information be provided at application for driver's license or identification card.	Bill substituted now requires law enforcement agencies to adopt policies against unconstitutional traffic stops (February 7, 2002).
	SB 133	Allows a driver's license or identification card applicant to provide an affidavit if they do not qualify for Social Security number or temporary identification number; requires an applicant for a driver license or identification card to provide a Utah residence address.	Defeated March 6, 2002.
	HB 350	Repeals provision allowing IRS temporary identification number at application for driver's license. Bill further requires applicants to provide Utah residence address.	Died March 6, 2002.
Vermont	HB 588	Requires the department of motor vehicles, at the time of issuing a motor vehicle operator's license, to check the identity and background of the applicant through the National Crime Information Center and the Social Security Administration.	Passed House March 20, 2002. March 22, 2002; read first time in Senate.
Virginia	HB 14	Increases fraudulently obtaining or aiding another in fraudulently obtaining a state driver's license from a Class 2 misdemeanor to a Class 4 felony. Requires legal presence in the United States to obtain a license or identification card and ties expiration date to the date of legal presence.	Incorporated by HB 638; February 5, 2002.
	HB 637	Requires the Department of State Police and the Department of Motor Vehicles to enter into agreements with the US Department of State, the INS and other federal law-enforcement agencies to bring about the interchange of information concerning those aliens residing in the US who hold or apply for Virginia driver's licenses.	Approved by Governor: April 2, 2002 (Chap. 412).
	HB 638	Using false identification for any purpose other than engaging in age limiting activity becomes a Class 6 felony. Prohibits the use of immigration visas and written statements for proof of Virginia residency. Allows for individuals under the age of 19 to show proof of their parent's residency	Approved by Governor: April 7, 2002 (Chap. 767).

		as proof of their own. Directs the Director of the DMV to study and report back any other modifications that may be needed to enhance the identification and residency requirements.	
	HB 798	Requires non-U.S. citizen applicants for driver's license to submit a fingerprint.	Carried over to 2003
	SB 62	Requires thumbprint or other biometric for application for driver's license	Passed Senate: January 30, 2002. Failed in House: February 21, 2002.
	SB 162	Identical to HB 638	Approved by Governor (Chap. 834).
	SB 376	SB 62.	Incorporated by SB 62: January 24, 2002.
	HB 415	Requires applicants for driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards to submit documentary proof of their name, date of birth, and Virginia residency.	Incorporated by HB 638 (enacted). February 5, 2002.
	HB 630	Creates class 1 misdemeanor for creating for another a forged or false driver's license.	Tabled in Committee: January 21, 2002.
Vermont	SB 298	Bill, as introduced, added language that tied expiration of driver's licenses to the expiration of visa. Entire bill was struck and replaced through a Senate amendment.	Passed Senate: April 16, 2002. Amended in House: May 16, 2002.
Washington	HB 2420	Improves the security of Washington state driver's licenses by verifying the citizenship or legal residence of applicants for driver's licenses in Washington and verifying the Social Security numbers of applicants for driver's licenses in Washington.	Referred to Select Committee on Community Security: January 16, 2002.
Wisconsin	AB 789	Requires DOT to take a thumbprint of all applicants for driver's licenses and identification cards.	March 26, 2002: Failed to pass.
Wyoming	HB 153	Would allow use of temporary identification number issued by IRS for persons who do not have a social security number at application for driver's license.	February 14, 2002: Introduced and referred to House Transportation and Highways Committee.

APPENDIX B

Location of Driver's License Issuing Authority by State

State	DMV Location
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Alabama	Public Safety
Alaska	Department of Administration
Arizona	Department of Transportation
Arkansas	Finance and Administration
California	Finance
Colorado	Revenue Cabinet
Connecticut	Own Department
D.C.	New Separate Department
Delaware	Department of Public Safety
Florida	Highway and Safety of Motor Vehicles
Georgia	Department of Public Safety
Hawaii	Hawaiian DMV Special Processing Unit- Private
Idaho	Department of Transportation
Illinois	Secretary of State
Indiana	Bureau of Motor Vehicles
Iowa	Department of Transportation
Kansas	Division of Motor Vehicles
Kentucky	Transportation Cabinet
Louisiana	Department of Public Safety
Maine	Secretary of State
Maryland	Department of Transportation
Massachusetts	Registry of Motor Vehicles
Michigan	Secretary of State
Minnesota	Department of Public Safety
Mississippi	Department of Public Safety
Missouri	Department of Revenue
Montana	Department of Justice
Nebraska	Department of Motor Vehicles
Nevada	Department of Motor Vehicles

New Hampshire	Department of Safety
New Jersey	Department of Transportation
New Mexico	Taxation and Revenue Cabinet
New York	Department of Motor Vehicles
North Carolina	Department of Transportation
North Dakota	NA
Ohio	Division of Motor Vehicles
Oklahoma	Tax Commission
Oregon	Department of Transportation
Pennsylvania	Department of Transportation
Rhode Island	Department of Motor Vehicles
South Carolina	Department of Public Safety
South Dakota	Department of Commerce & Regulation
Tennessee	Department of Safety
Texas	Department of Public Safety
Utah	State Tax Commission
Vermont	Department of Motor Vehicles
Virginia	Department of Motor Vehicles
Washington	Department of Licensing
West Virginia	Department of Transportation
Wisconsin	Department of Transportation
Wyoming	Department of Transportation

## APPENDIX C

## Interstate Compacts

Interstate compacts are the most powerful, durable, and adaptive tools for ensuring cooperative action among the states. As one of the oldest mechanisms for states to work together, their use predates the founding of the nation. Unlike federally imposed mandates that often dictate unfunded and rigid requirements, interstate compacts provide a state-developed structure for collaborative and dynamic action, while building consensus among the states. The very nature of an interstate compact makes it the ideal tool to meet the demand for cooperative state action to develop and enforce stringent standards, while providing an adaptive structure - through an interstate commission or governing authority - that can evolve to meet new and increased demands over time. Today, there are over 200 interstate compacts that have been identified by CSG.

Interstate compacts are adopted by individual states when enabling legislation is enacted. They are subject to the substantive principles

of contract law and are protected by the constitutional prohibition against laws that impair the obligations of contracts (US Constitution, Article 1, Section 10). Once enacted, compacts may not be unilaterally renounced by a member state, except as provided by the terms of the compacts themselves. Compacts often contain their own enforcement mechanisms and courts can compel compliance with their terms. These elements make compacts the most effective means of ensuring interstate cooperation.

#### General Purposes

- Establish a formal, legal relationship among states to address common problems or promote a common agenda.
- Create independent, multi-state governmental authorities (e.g., commissions) that can address issues more effectively than a state agency acting independently, or when no state has the authority to act unilaterally.
- Establish uniform guidelines, standards, or procedures for agencies in the compact's member states.
- Create economies of scale to reduce administrative and other costs.
- Respond to national priorities in consultation or in partnership with the federal government.
- Retain state sovereignty in matters traditionally reserved for the states.
- Settle interstate disputes.

#### Examples of Interstate Compacts

Recent examples of interstate compacts illustrate the effectiveness of compacts in solving and addressing critical multi-state issues.

##### Emergency Management Assistance Compact

The Emergency Management Assistance Compact (EMAC) is a mutual aid agreement and partnership between states that exists because all states share a common enemy: the constant threat of disaster.

- EMAC allows states to assist one another during emergencies. EMAC offers a quick and easy way for states to send personnel and equipment to help disaster relief efforts in other states. There are times when state and local resources are overwhelmed and federal assistance is inadequate or unavailable. Out-of-state aid through EMAC helps fill these gaps.
- EMAC establishes a firm legal foundation. Requests for EMAC assistance are legally binding, contractual arrangements that make states that ask for help responsible for reimbursing all out-of-state costs and liable for out-of-state personnel. States are assured that sending aid will not be a financial or legal burden for them.
- EMAC provides fast and flexible assistance. EMAC allows states to ask for whatever assistance they need for any emergency, from earthquakes to acts of terrorism. EMAC's simple procedures also mean states can dispense with bureaucratic wrangling.

Since being approved by Congress in 1996 as Public Law 104-321, 46 states and two territories have enacted EMAC, and other states are in the process. EMAC played a critical role during the September 11, 2001 attacks by providing assistance to those states in need.

##### Interstate Compact on Adult Offender Supervision

The Council of State Governments, in collaboration with the National Institute of Corrections, has supervised the development and is currently overseeing the introduction and enactment of the Interstate Compact for Adult Offender Supervision. At issue is one of the most significant public safety issues in the nation - the management, monitoring and supervision of adult parolee and probationers in states other than where they were sentenced. The current Interstate Compact, having been in place for more than 60 years, no longer supports an evolving criminal justice system. The new compact will ensure that states can effectively manage adult parolees and probationers who travel to, or are supervised in, states other than where they were sentenced.

Primary changes to the Original Interstate Compact (1937) include:

- The establishment of an independent compact operating authority to administer ongoing compact activity.
- Gubernatorial appointments from all member states on a national governing commission that meets annually to elect national commission members, who serve as the compact's governing body.
- Rule-making authority and provision for significant sanctions to support essential compact operations.
- A mandatory funding mechanism sufficient to support essential compact operations (staffing, data collection, training/education, etc.)

- Compelling collection of standardized information.

The new compact was enacted by 36 states in just 30 months and has been introduced in many others. Following the adoption by the 35<sup>th</sup> state (Pennsylvania on June 19, 2002), the compact became fully operational. It is likely to be a full 50 state compact by 2004.

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**Denver Office:** Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | Map

**Washington Office:** Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001



Temporary Visitor  
Status Exp. 05-10-06

8/17/06

Sw Duane Bannock. He said she came in to the DMV on 5/8/06 & got an Alaskan DL that expires in 5 yrs. He's checking with Immigration to see if she is still here legally.

State of Alaska Division of Motor Vehicles Standard Operating Procedures	SOP No.: <u>D-20</u>	Page No.: 1
	Effective: July 1, 2006	
Subject:	Supersedes: D-20	Dated: 6/1/00
IDENTIFICATION AND PROOF OF DATE OF BIRTH	Form No.: <u>478</u>	
Statute: AS 28.15.061	Regulation: 2 AAC 90.420(b)	

[Alterations](#) | [Foreign](#) | [Lost AK](#) | [Lost OOS](#) | [Primary ID](#) | [Secondary ID](#)

**IDENTIFICATION AND PROOF OF DATE OF BIRTH**

Every person who makes an original application for a driver's license, permit or ID card must furnish documentary proof of their legal name, date of birth, social security number and residence address as outlined below. An applicant for a permit or driver license must also furnish proof that they have passed the required tests.

CERTIFICATION BY CORRECTIONS, PROBATION OR ALASKA CHILDREN'S SERVICES IS NOT ACCEPTABLE.

**ITEMS REQUIRED FOR AN ORIGINAL ALVIN RECORD (ID, IP, D, OR CDL)**

- Legal Name & Date of Birth
- Secondary item as verification of the primary document
- Social Security Number
- Their current residence address

Please see the following for further information on each of these items.

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**LEGAL NAME & DATE OF BIRTH (PRIMARY DOCUMENTS) [2 AAC 90.420 (b)]**

The following documents are acceptable for proving legal name and date of birth. If the applicant's legal name is different than what is printed on their birth certificate, they will need to bring in the document(s) that provide proof of the name change.

- An original or certified copy of a U.S. birth certificate (From Vital Statistics)
- U.S. Passport or Canadian Passport (Must be current)
- An Alaska learner's permit, driver license or State Identification card.
- U.S. Military Identification for active duty, retiree or reservist.
- Certificate of Citizenship
- Certificate of Naturalization
- Certificate of Birth Abroad
- Passport issued from another country, with appropriate immigration documents.

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**NAME CHANGE (D-23)**

When the name on the identity document does not match the applicant's current name, the following are acceptable to prove the applicant's legal name.

- U.S. Passport
- Amended birth certificate
- Certified Adoption papers
- Certified Marriage certificate
- Certified Court order
- Certified Divorce decree
- Certificate of Dissolution, Divorce or Annulment
- Certificate of Naturalization
- Certificate of Name Change

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#### SOCIAL SECURITY NUMBER (D-17)

The name on file with the Social Security Administration (SSA) must match the identity document(s). One of the following is required:

- Original Social Security Card (A Metal card is not acceptable.)
- Letter from the Social Security Administration verifying the applicant's name and number.
- Letter from the SSA verifying that the applicant has never been assigned a social security number.
- If an applicant is not eligible for employment due to their immigration status, they do not need this document.

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#### RESIDENCE ADDRESS

An applicant must present documentation that contains both the applicant's name and address of principle residence. This cannot be a post office box or mail cache facility. This may consist of:

- Utility bill
- Alaska voter registration card
- Alaska title and/or registration (Issued at least 30 days prior to application)
- Paycheck Stub
- Medical Assistance card
- Public Assistance card
- Cancelled check or bank statement
- Mortgage or rental document
- Parental consent (On the back of Form 478)

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## SECONDARY IDENTIFICATION DOCUMENTS

Secondary Identification documents are meant to give customers another set of documents to use to prove identity. Secondary documents are to be used to obtain a duplicate or to renew an Alaska driver's license, permit, or identification card. For information on requirements to obtain an original driver's license, permit or identification card, see Primary Identification Documents.

1. All primary documents
2. Bureau of Indian Affairs card or an Indian Treaty Card. (Some tribal cards are more reliable than the BIA card. DMV's can make their own determination.)
3. State issued Driver license or ID card that has NOT been expired over a year.
4. Court order that does not contain the applicant's date of birth.
5. Photographic employer Identification card.
6. Foreign birth certificate.\*
7. Foreign passport.\*
8. Health insurance card [Blue Cross/Shield, Kaiser, Aetna, or a Health Maintenance Organization (HMO)].
9. Internal Revenue Service (IRS) or state tax form. A W-2 form is not acceptable.
10. Marriage license or certificate.
11. Individual's medical records from a doctor or a hospital.
12. Military dependent identification.
13. Military discharge or separation papers. (DD214)
14. Parent or guardian affidavit for minors, only. The parent or guardian must appear in person and prove their identity and submit a certified or notarized affidavit regarding the child's identity.
15. Gun permit.
16. Pilot's license.
17. Certified school record or transcript.
18. Photographic school identification card.
19. Vehicle title. A vehicle registration is not acceptable.
20. Welfare card.
21. Prison release document.

\*See the following page for further information on foreign documents.

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### LOST ALASKA DRIVER LICENSE/PERMIT/I.D. CARD REQUIREMENTS:

- Two items from either the primary or secondary identification document list. The information in ALVIN may be used in place of one of the items provided the person can verify address, date of birth, place of birth, Social Security number and the physical description matches.
- In extreme cases, you may use the digital photo on file or request a photo of the applicant from the Department of Public Safety, OL Photos. Examples of extreme cases are when an applicant is the victim of a house fire or when all identification documents have been lost or stolen. In these cases, check to see if a digital photo is

on file or request the photo by e-mail or by calling OLPHOTOS. Appendix D) Please include the full name of the applicant and their license or identification number, as well as the SSN and DOB, if available.

NOTE: Rent receipts, credit cards, and similar type documents are not to be used as proof of identity for issuance of an *original* driver license or ID card but can be used as proof of residence address. They may be used for issuance of a duplicate OL or ID as a last resort and in conjunction with the ALVIN record.

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#### LOST OUT-OF-STATE LICENSE/PERMIT REQUIREMENTS:

- Furnish documentary proof of his/her identity and date of birth, the same as for an original license.
- Obtain verification of their license status from the state the applicant is currently licensed in.
- A PDPS check is required to verify eligibility.

#### ALTERATIONS

Any document that contains an alteration that changes the name, date of birth, or other pertinent information will not be accepted.

#### FOREIGN DOCUMENTS

Any primary or secondary document that is in a language other than English must be translated into English and must be accompanied by a Certificate of Accuracy of Translation by the person translating the document(s). DMV will accept the self-certification of anyone who certifies they have the competency to translate.

#### Cross Reference:

[App. D](#) DMV Addresses  
[D-073](#) Class D - Basic Driver License

#### HISTORY:

7/1/06 - Regulation change from 13 AAC 08.330(b) to 2 AAC 90.420 (b).

[NEXT SOP](#)

[Return to Top / Go to Index - Accounting, Boat, DL, CDL, Registration & Title](#)

Dirk Moffatt

---

From: Rep. Bob Lynn [boblynn@alaska.com]  
Sent: Friday, March 09, 2007 6:28 PM  
To: Rep. Bob Lynn; Rep. Bob Lynn  
Subject: Fw: [Blogs by Rep Bob Lynn] New comment on THE FISHERMAN AND THE WEALTHY BUSINESSMAN.

----- Original Message -----

From: [roxanne risner](mailto:roxanne_risner)  
To: [boblynn@alaska.com](mailto:boblynn@alaska.com)  
Sent: Friday, March 09, 2007 12:09 PM  
Subject: [Blogs by Rep Bob Lynn] New comment on THE FISHERMAN AND THE WEALTHY BUSINESSMAN.

roxanne risner has left a new comment on your post "THE FISHERMAN AND THE WEALTHY BUSINESSMAN":

I just wanted to tell you how much I respect you for taking on the problem of illegal aliens having drivers licenses in this country! It's about time a politician did something in favor of hardworking honest Americans. These people are living off of our tax dollars, getting free education, housing, medical care and they drive without valid drivers licenses or insurance! Most Americans, on the other hand, are being taxed to death and barely making it! It's so sad what is happening to this country, and even sadder that more politicians aren't trying to fix the problem!

Thank you again  
Roxanne Risner  
ANchorage Alaska

Posted by [roxanne risner](mailto:roxanne_risner) to [Blogs by Rep Bob Lynn](#) at 11:22 PM

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No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.446 / Virus Database: 268.18.8/714 - Release Date: 3/8/2007 10:58 AM

# **Relevant Statutes for HB 3**

**“An Act relating to issuance of  
identification cards and to  
issuance of driver’s licenses; and  
providing for an effective date.**

**Sec. 18.65.310. Identification cards.**

(a) Upon payment of a \$15 fee, the department shall issue a card identical to the motor vehicle operator's license provided for in AS 28.15.111, except that the card shall be of a different color and shall state in bold type letters across the face of it that it is for identification purposes only.

(b) A person may obtain an identification card provided for in (a) of this section by applying to the department on forms and in the manner prescribed by the department.

(c) Any person who knowingly makes a fraudulent written statement or application for an identification card concerning age, race, sex, or other identifying characteristics as required by the department is guilty of a misdemeanor.

(d) It is a misdemeanor for any person to possess, use, produce, or manufacture a fraudulent identification card.

(e) It is a misdemeanor for a person to allow an identification card issued to that person to be used by any other person.

(f) A person who violates (c), (d), or (e) of this section is guilty of a misdemeanor punishable by a fine of \$500 or 60 days in jail, or both.

(g) If the person applying for the identification card provided for in (a) of this section is 60 years of age or older, charge may not be made for issuance of the card.

**Sec. 28.15.031. Persons not to be licensed.**

(a) The department may not issue a driver's license to a person who is

(1) under the age of 16 years, except that the department may issue a permit under AS 28.15.051 or a restricted license under AS 28.15.121; or

(2) at least 16 years of age but not yet 18 years of age unless the person meets the requirements of AS 28.15.057.

(b) The department may not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license is suspended or revoked, except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver, or traffic offense when the person's appearance is required by statute, regulation, or court rule;

(3) who is an habitual user of alcohol or another drug to such a degree that the person is incapable of safely driving a motor vehicle;

(4) when the department, based upon medical evidence, has determined that because of the person's physical or mental disability the person is not able to drive a motor vehicle safely;

(5) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(6) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(7) who is required under AS 28.20 to furnish proof of financial responsibility and who has not done so.

*Sec. 28.15.040. Instruction permits and temporary licenses. [Repealed, Sec. 19 ch 178 SLA 1978].*

Repealed or Renumbered

**Sec. 28.15.101. Expiration and renewal of driver's license.**

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the fifth year following issuance of the license. A license may be renewed within one year of its expiration upon proper application, payment of the required fee, and except when a license is renewed under (c) of this section, successful completion of a test of the licensee's eyesight.

(b) The department may defer the expiration of the driver's license of a person who is outside the state under terms and conditions that the department shall prescribe by regulation.

(c) A driver's license may be renewed by mail if the licensee complies with (a) of this section, except that a license may not be renewed by mail if

- (1) the most recent renewal of the applicant's license was by mail; or
- (2) the applicant is 69 years of age or older on the expiration date of the driver's license being renewed.

*Sec. 28.15.110. Restrictions. [Repealed, Sec. 19 ch 178 SLA 1978].*

Repealed or Renumbered

ID: 700 071 813



DRIVER LICENSE

TEMPORARY VISITOR  
STATUS EXP. 05-10-06

DOB: 02-15-59  
LIM, YOUNGHEE  
3825 PARSONS BLVD 4H  
FLUSHING NY 11354  
SEX: F EYES: BR HT: 5-07 CLASS: D  
R: A1-D  
ISSUED 07-28-06 EXPIRES 02-15-10

50370550

Temporary Visitor  
Status Exp. 05-10-06

8/17/06

Sw Duane Bannock. He said she came in to the DMV on 5/8/06 & got an Alaskan DL that expires in 5 yrs. He's checking with Immigration to see if she is still here legally.

**Relevant  
Statutes for  
HB 3**

**“An Act relating to issuance of  
identification cards and to  
issuance of driver’s licenses; and  
providing for an effective date.**

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(b) A person may obtain an identification card provided for in (a) of this section by applying to the department on forms and in the manner prescribed by the department.

(c) Any person who knowingly makes a fraudulent written statement or application for an identification card concerning age, race, sex, or other identifying characteristics as required by the department is guilty of a misdemeanor.

(d) It is a misdemeanor for any person to possess, use, produce, or manufacture a fraudulent identification card.

(e) It is a misdemeanor for a person to allow an identification card issued to that person to be used by any other person.

(f) A person who violates (c), (d), or (e) of this section is guilty of a misdemeanor punishable by a fine of \$500 or 60 days in jail, or both.

(g) If the person applying for the identification card provided for in (a) of this section is 60 years of age or older, charge may not be made for issuance of the card.

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(2) at least 16 years of age but not yet 18 years of age unless the person meets the requirements of AS 28.15.057.

(b) The department may not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license is suspended or revoked, except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver, or traffic offense when the person's appearance is required by statute, regulation, or court rule;

(3) who is an habitual user of alcohol or another drug to such a degree that the person is incapable of safely driving a motor vehicle;

(4) when the department, based upon medical evidence, has determined that because of the person's physical or mental disability the person is not able to drive a motor vehicle safely;

(5) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(6) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(7) who is required under AS 28.20 to furnish proof of financial responsibility and who has not done so.

*Sec. 28.15.040. Instruction permits and temporary licenses. [Repealed, Sec. 19 ch 178 SLA 1978].*

Repealed or Renumbered

**Sec. 28.15.101. Expiration and renewal of driver's license.**

(a) Except as otherwise provided in this chapter, a driver's license expires on the licensee's birthday in the fifth year following issuance of the license. A license may be renewed within one year of its expiration upon proper application, payment of the required fee, and except when a license is renewed under (c) of this section, successful completion of a test of the licensee's eyesight.

(b) The department may defer the expiration of the driver's license of a person who is outside the state under terms and conditions that the department shall prescribe by regulation.

(c) A driver's license may be renewed by mail if the licensee complies with (a) of this section, except that a license may not be renewed by mail if

(1) the most recent renewal of the applicant's license was by mail; or

(2) the applicant is 69 years of age or older on the expiration date of the driver's license being renewed.

*Sec. 28.15.110. Restrictions. [Repealed, Sec. 19 ch 178 SLA 1978].*

Repealed or Renumbered

## Opinion: Passport rules get more confusing

Flying? Cruising? You may (or may not) need a new ID after all

By Rob Lovitt

Travel writer

Updated: 1:16 p.m. ET Jan 5, 2007

If you're planning a Caribbean cruise or Mexican vacation this winter, you may be able to take one thing off your to-do list. Thanks to a last-minute change in impending federal regulations, you may not need to get a passport after all.

Then again, you might. According to the new regs, some travelers will, indeed, need a passport come January, while others won't for up to another two years. Stranger yet, whether you will or won't has less to do with where you're going than how you intend to get there.

Confused? Trust me, as a guy who just helped his 15-year-old daughter apply for her first passport, I know the feeling.

### The story so far

Historically, U.S. citizens have only needed a birth certificate and driver's license to travel to Mexico and most Caribbean countries. But in April 2005, the federal government announced new, stricter requirements as part of its efforts to strengthen border security.

In a nutshell, the new rules stated that all travelers — including home-bound U.S. citizens — would need a passport to enter the U.S. from the aforementioned destinations, starting in January 2007. (Going away, it seems, isn't the issue; it's getting back in.)

Not surprisingly, the travel industry was none too pleased. There would be chaos, they claimed, as people scrambled to comply in time, or worse, canceled their trips due to the added expense. On October 4, their prayers were answered (well, some, anyway) when the president signed off on a partial deadline extension.

Barring additional changes, it breaks down like this: If you're planning on visiting Mexico or the Caribbean and traveling by air, you will need a passport to get back into the U.S. beginning January 23. If you're traveling by land or sea, however, you can go without until at least 2008. In other words, if you're cruising to Cozumel bon voyage; if you're flying to Barbados without a passport, you may experience a few bumps on the flight back home.

### Just do it

Personally, I think everybody who travels outside the country should have a passport. (Approximately 27 percent of Americans currently have one.) And, I'm sorry, but I don't buy the arguments about the cost or inconvenience.

Currently, a new U.S. passport costs \$97 for adults, \$82 for children 15 and younger (photos not included). Let's call it \$100 even, which applied to, say, a three- or four-night cruise — the scenario the cruise industry likes to cite — is like tacking on a premium of 25 percent or more.

Clearly, that can be a hefty hunk of change, but it conveniently ignores one fact: Your passport is valid long after your sail-and-sign card no longer works at the bar. (For travelers 16 or over, they're good for 10 years; for those 15 and younger, five years.) Keep traveling and that "premium" eventually works out to about the price of a couple of piña colodas.

The inconvenience argument is even shakier since there are approximately 8,000 places in the country that accept passport applications, including many post offices, libraries, and city halls. Many are open after 5 p.m., some have Saturday hours, and if you fill out the forms beforehand, the whole process can take 10 minutes or less. (For forms and more information, go here.)

Finally, there are those who argue that the pending deadline will force people to pay even more (\$60) for expedited service. Maybe so, but as a guy who has had his daughter's completed forms on his desk for three months, but only turned them in two weeks ago, blaming anybody else for my procrastination seems a bit like

bellyaching.

### Trouble in transit

Honestly, I have only one issue with the whole situation. The regulations that were set to go into effect in January applied across the board — everybody was expected to have a passport, whether they were traveling by airplane, cruise ship, or VW minivan.

The latest version takes a more piecemeal approach that's inconsistent, potentially inequitable, and likely to cause more, not less, confusion at the border this winter. We certainly don't need any more of that.

So, that's why I took my daughter down to city hall to get her passport a few weeks ago. She smiled for the camera, I wrote the checks (one for the passport, another for the photos), and the nice lady behind the counter took care of the rest. As it turned out, the regs changed a week later, so she may not need one after all.

Even so, I'm glad we did it. I'm glad to have one less thing to worry about if the regulations change again. And I'm glad my daughter will have a passport, whether she needs it now or not, because I know that someday she will.

A passport is more than just proper ID; it's a step toward becoming a true traveler.

*Rob Lovitt is a frequent contributor to MSNBC.com. If you have feedback for Rob, send him an e-mail.*

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URL: <http://www.msnbc.msn.com/id/15208640/>

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TOP STORY ■■■

WEDNESDAY, APRIL 18, 2007

## Two states lead revolt against Real ID

By Eric Kelderman, Stateline.org Staff Writer

Updated 3:50 p.m. EDT, Wednesday

Montana and Washington state defied the U.S. government this week, enacting the first state laws to reject the 2005 federal Real ID Act and ratcheting up pressure on Congress to amend or repeal national standards for driver's licenses.

Montana Gov. Brian Schweitzer (D) signed legislation Tuesday (April 17) that bans the state's Motor Vehicle Division from enforcing the national rules, which set uniform security features for driver's licenses and require states to verify the identity of all driver's license applicants.

Washington Gov. Christine Gregoire (D) signed a bill Wednesday (April 18) barring that state from complying unless the federal government comes up with an extra \$250 million to cover the state's expenses. The law also gives Washington's attorney general the right to challenge Real ID in court.

Montana's Schweitzer complained that the Real ID law is another way for the federal government to stomp on residents' personal privacy. "Montanans don't want the federal agents listening to their phone conversations, rifling through their papers, checking on what books they read and monitoring where they go and when. We think they ought to mind their own business," he said in a written statement.

Gregoire in a statement said the Real ID Act "is another unfunded mandate from the federal government and, even worse, it doesn't protect the privacy of the citizens of Washington."

In all, 30 states have passed or are considering proposals condemning the license standards. State lawmakers have railed at the costs and deadlines imposed on states, at federal intrusion into what had been a state responsibility and the specter of a national ID card. But the Montana and Washington actions stand out as the first statutes to bar state agencies from participating in Real ID, which passed Congress without floor debate, attached to a 2005 bill funding the war in Iraq and international aid after the Asian tsunami.

Legislatures in Idaho and Maine have passed nonbinding measures protesting the 2005 act. Arkansas lawmakers have approved one resolution calling for Congress to repeal the act and another that asks for civil-liberty protections and full funding to meet the estimated \$14 billion cost to states. None of those measures carries the weight of law or required a governor's signature.

Bills condemning Real ID have been approved by one chamber in another 13 legislatures and have been introduced in 12 more.

"When a state like Montana tells the federal government to take a hike, it brings down the whole house of cards. If there was ever any question that Congress would be forced to revisit this misguided law, there is no more," Barry Steinhardt of the American Civil Liberties Union said in a statement.

States have held out hope that the new Democratic majority in Congress will pay more attention to their concerns than the Republicans did. U.S. Sens. Daniel Akaka (D) of Hawaii and John Sununu (R) of New Hampshire have revived a 2006 bill to repeal Real ID. U.S. Rep. Tom Allen (D) of Maine also has submitted a bill rejecting the act.

Real ID requires that all new and existing driver's license applicants present and states verify: a form of photo identification, a document showing date of birth, proof of a Social Security number and a document with the name and address of the applicant.

All state-issued driver's licenses must include an individual's name, address, date of birth, gender, signature, driver's license number, a digital photograph and several features to prevent counterfeiting.

Driver's license bureaus would feed information into databases to verify applicants' identity, leading critics to worry about invasions of privacy and identity theft.

Cost also is a primary concern. State officials decry the act as a giant unfunded mandate. Congress has appropriated just \$40 million for states to begin verifying and reissuing an estimated 245 million driver's licenses and identification cards.

U.S. Homeland Security Secretary Michael Chertoff in March said states could use 20 percent of their federal homeland security grants to help meet costs. But those amounts are just a fraction of the total \$14.6 billion that the department estimates the law will cost states. In addition, the law will impose \$7.9 billion in costs on individuals and \$617 million on the federal government, according to homeland security figures.

Time is another problem, say states. The initial deadline to begin issuing compliant licenses is May 11, 2008, although states can apply for an extension until Dec. 31, 2009. That won't help, state officials counter, because all existing licenses still have to be reissued by 2013, so states that delay actually have a smaller window to meet the law.

Montana state Rep. Brady Wiseman (D), a sponsor of his state's legislation, said his colleagues were most concerned about privacy issues and Real ID's requirement to digitally store personal information and make that information available to other states. "We just didn't see the benefit here from going through all that rigmarole," said Wiseman, whose bill passed the Republican-controlled state House and Democratic-controlled Senate with unanimous support.

The American Civil Liberties Union and the libertarian Cato Institute both oppose Real ID on the grounds that it will violate civil liberties.

"The states reserve the right to choose not to comply with Real ID," said Russ Knocke, a spokesman for the U.S. Department of Homeland Security. But he noted that citizens in states without compliant licenses will not be able to use their licenses to board commercial flights or enter federal buildings.

#### Related stories:

[Real ID deadline delayed](#)

[Too little time, too much cost for Real ID](#)

[Congress sets new driver's license rules](#)

States balk at license bill as it heads to U.S. Senate  
Driver's licenses to face new federal standards  
Driver's licenses now a tool for homeland security  
States slow to give driver's licenses to illegal alien

*Comment on this story in the space below by [registering with Stateline.org](#), or e-mail your feedback to our Letters to the editor section at [letters@stateline.org](mailto:letters@stateline.org).*

Contact Eric Kelderman at: [ekelderman@stateline.org](mailto:ekelderman@stateline.org).

#### ISSUES AND TOPICS ▄▄▄

Issues: [Transportation](#) [Technology](#) [Politics](#) [Taxes and Budget](#) [Homeland Security](#) [Crime and Courts](#)

#### COMMENTS ▄▄▄

[Add a comment](#)

**REAL ID costs - charge drivers more**  
*By michael kilcullen on Apr 19, 2007 12:49:46 AM*

I read your article about REAL ID and its costs, and that MT and WA are revolting against the requirements and the costs of it. (<http://www.stateline.org/live/details/story?contentId=199732>)

The costs can easily be covered by simply raising the price for a person to obtain a drivers' license. It is not a right to drive, it is a privilege, and one that costs. It is particularly not a right to drive cheaply, even though everyone seems to think that cheap licenses, cheap gas, and free roads are their entitlement.

States that charge \$20, or even less, for a multiyear license are already providing a subsidy to drivers. Drivers should be paying at minimum the costs that they incur.

If we want to reduce congestion, reduce accidents, reduce fuel consumption, and increase the use of other modes of transport such as bus, train, plane, bike, and so on, then additional price hikes on the cost of licenses would be one avenue to pursue.

At a minimum, there should be a price hike for drivers to cover the costs of the new license, and it should not be considered an unfunded mandate. It can be funded, just not by me, a disabled non-driver.

## VIRGINIA ACTS OF ASSEMBLY -- CHAPTER

*An Act to amend and reenact § 46.2-328.1 of the Code of Virginia, relating to special identification cards.*

[H 2471]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-328.1 of the Code of Virginia is amended and reenacted as follows:

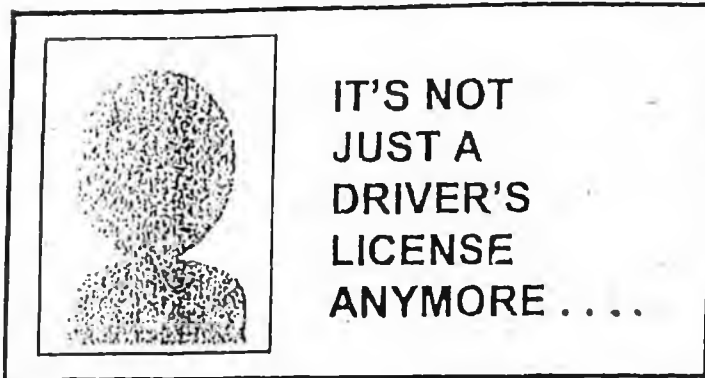
§ 46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.

B. Notwithstanding the provisions of subsection A and the provisions of §§ 46.2-330 and 46.2-345, an applicant who presents in person valid documentary evidence of (i) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, (ii) a pending or approved application for asylum in the United States, (iii) entry into the United States in refugee status, (iv) a pending or approved application for temporary protected status in the United States, (v) approved deferred action status, or (vi) a pending application for adjustment of status to legal permanent residence status or conditional resident status, may be issued a temporary license, permit, or special identification card. Such temporary license, permit, or special identification card shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year. Any temporary license, permit, or special identification card issued pursuant to this subsection shall clearly indicate that it is temporary and shall state the date that it expires. Such a temporary license, permit or identification card may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary license, permit or special identification has been extended by the United States immigration and Naturalization Service or the Bureau of Citizenship and Immigration Services of the Department of Homeland Security.

C. Any license or special identification card for which an application has been made for renewal, duplication or reissuance shall be presumed to have been issued in accordance with the provisions of subsection A, provided that, at the time the application is made, the license or special identification card has not expired, or been cancelled, suspended or revoked. The requirements of subsection A shall apply, however, to a renewal, duplication or reissuance if the Department is notified by a local, state or federal government agency that the individual seeking such renewal, duplication or reissuance is neither a citizen of the United States nor legally in the United States.

*The provisions of this section shall not apply to an applicant for a special identification card whose year of birth is 1937 or earlier and who has previously held a Virginia-issued driver's license or special identification card, provided that such driver's license or special identification card has not been expired for more than five years.*



## ***It's a De Facto National ID. We Should Make It Secure***

*by Amitai Elzioni*

Every time a Transportation Security Administration, (TSA) agent closely examines my driver's license, I have a hard time not making one of those wisecracks that gets you into trouble. The reason? I know that driver's licenses as a means of identification are a joke. Fake ones can still be ordered on the Internet or purchased for about \$60 in many cities, and real ones can be obtained fraudulently.

The joke becomes a lot less funny when one recalls that several of the 9/11 hijackers used phony documents to acquire driver's licenses, which they used to obtain credit cards, enroll in flight school and purchase airplane tickets. Yet little has been done since then to make driver's licenses more reliable, despite the fact that they are by far the most commonly used means of identification in the United States--not just for travel, but also for entering most public building and numerous private ones. As a result, the "no fly" and "selectee" watch lists (used by the TSA to identify passengers who pose threats to airline safety), as well as other security-related databases, are at least partially blinded.

I am hardly a smart-card expert (or even a dull-witted one). But as a sociologist and social philosopher, I have studied circumstances under which concern for the common good might trump the right to privacy--for instance, the question of whether convicted pedophiles should be required to notify the communities in

which they settle of their predilections. As a result, the New York-based Markle Foundation, which focuses on technology policy, invited me to join a task force composed of privacy advocates and former officials from the Pentagon, National Security Administration and CIA to study national security and information technology. I chaired a subgroup on reliable identification.

Our deliberations opened with a bombshell. Robert J. Cramer of the General Accounting Office described a test in which GAO agents had been able to enter the United States using counterfeit driver's licenses without being stopped--25 out of 25 times in late 2002 and early 2003. They entered through sea ports from Canada, walked through border crossings from Mexico and arrived at airports from Jamaica. Shocked by these findings, our subgroup issued a report in 2003 with a long list of remedies. In March and April this year, Jared Bloom, my research assistant, and I queried officials in the 50 states and the District of Columbia about measures taken on these matters. The findings reveal how useless driver's licenses are as a means of identification.

It is still impossible for any state to find out whether a

*(continued on page 17)*

*(continued from page 16)*  
*Driver's License article*

person applying for a driver's license has already been issued one by another state (unless the applicant has had a license revoked or suspended).

Thus, anyone with a clean driver's record can get a handful of licenses and hand over the extras to terrorists or other criminals.

Sixteen states still do not check online to see if an applicant presents a valid Social Security number. Instead, they submit hard copies of social securities numbers for confirmation. While waiting for replies, several of these states let applicants, who can be very hard to locate later, walk away with possibly false temporary, or sometimes even permanent, licenses.

Each state follows its own procedures in deciding which so-called breeder documents, (those used to obtain other cards or forms of identification) will be used to determine applicants' identities.

Seventeen states do not require proof that applicants are legally in the United States.

Only nine states collect biometric information,

(facial features, iris patterns of fingerprints), which is the most reliable means of identification. (In Texas, for example, fingerprints are taken and put on file, but not on the licenses themselves).

Driver's licenses-like other state-issued ID-cards are relics of the past. They were never meant to be used for national security purposes, or even national identification purposes. Hence, a relatively low level of reliability sufficed for the original purpose of confirming that a person had passed a driving test, met the physical requirements and was old enough to operate a vehicle.

The rule is that since 9/11, these state-issued pieces of plastic have been used increasingly as de facto national security cards, because a driver's license issued by one state is honored by all others and because federal authorities, especially the TSA, treat them as the equivalents of national passports. However, the federal government has not taken over the issuance of these cards the way it controls the issuance of Social Security or green cards. It has not even required states to improve their own issuance

practices. It has merely treated the licenses as though they were high-grade certificates.

Why has America been so slow to take remedial actions? It is not an accident, or a matter of plain neglect that the states largely act as if 9/11 did not happen. One reason is that because of a strong U.S. tradition of states' rights, the country is reluctant to move from an archaic state system to a 21st century form of government in which more tasks--especially those concerning national security--are federalized. And no state wants the folks in Washington, D.C. to tell it how to issue licenses. If the federal government did ask the states to meet standards suitable for what amounts to a domestic passport--needed to travel with the United States by air, by road and by rail, it would have to provide the states with the resources needed, otherwise it would be just another unfunded mandate.

Another major reason elected officials dare not touch ID cards is that backing for privacy with respect to this issue is particularly strong, with support spanning the ideological spectrum from conservative activist Phyllis Schlafly to the

*(continued on page 18)*

*(continued from pg. 17)*  
*Driver's License article*

American Civil Liberties Union, (ACLU). In a 2002 letter to President Bush, a group of privacy advocates led by the ACLU and the Free Congress Foundation wrote, "The administration should not take any steps to implement such a system or fund any proposals that would result in a national ID, including the study or development of standardized state driver's licenses." And in a letter to the New York Times published on May 2, 2002, Schlafly and ACLU president, Nadine Strossen, stirred by one U.S. senator's proposal for standardizing driver's licenses as an effort to implement national ID cards wrote, "A national identity card would diminish privacy in America and do nothing to prevent further acts of terrorism on our soil."

The privacy lobby disregards the fact that such cards are commonly used in many other democracies. I prefer to call them national security cards because, they differ from national ID cards in two profound ways. A person is required to carry a national ID card at all

times and is to produce it on demand from police without any reason. (I have seen the police in Brussels block both ends of a street and ask everyone to identify themselves). In the U.S. system, people are not required to carry any form of identification unless they wish to enter a secure public area, such as some parts of airports or certain public buildings. Even when driving on public roads, Americans cannot be asked to present their licenses unless they have shown cause for police concern, for example by speeding or driving without a license plate.

Some privacy advocates push the most emotional buttons they can find. Lillie Coney, a senior policy analyst for the Electronic Privacy Information Center, argues that more reliable means of identification would make it easier for employers and government officials to discriminate against minorities. For instance, police might be more likely to demand to see the ID cards of foreign looking citizens. In effect, the opposite is the case; in places where an ID is required, such as airports, all are treated equally.

When there are no universal means of identification, however, those who look suspicious are queried which can lead to racial discrimination.

Many privacy advocates also argue that more reliable ID cards would, as the ACLU put it in 2002, "lull Americans into a dangerously false sense of security." This argument holds that if we rely too heavily on our improved means of identification for security, then we will take in person security less seriously. The same argument was made about seat belts that if people felt more secure they might drive like maniacs. If this absurd logic were followed, all effective safety measures should be abandoned. Most important, privacy advocates disregard the fact that the higher the level of reliability of the means of identification, the less that privacy will be violated. The reason is that if authorities cannot establish the most elementary aspects of a person's identity, such as a person's name, with some measure of reliability, then the only available alternative is to create a much more invasive profile from a

*(continued on pg. 19)*

(continued from pg. 18)  
Driver's License article

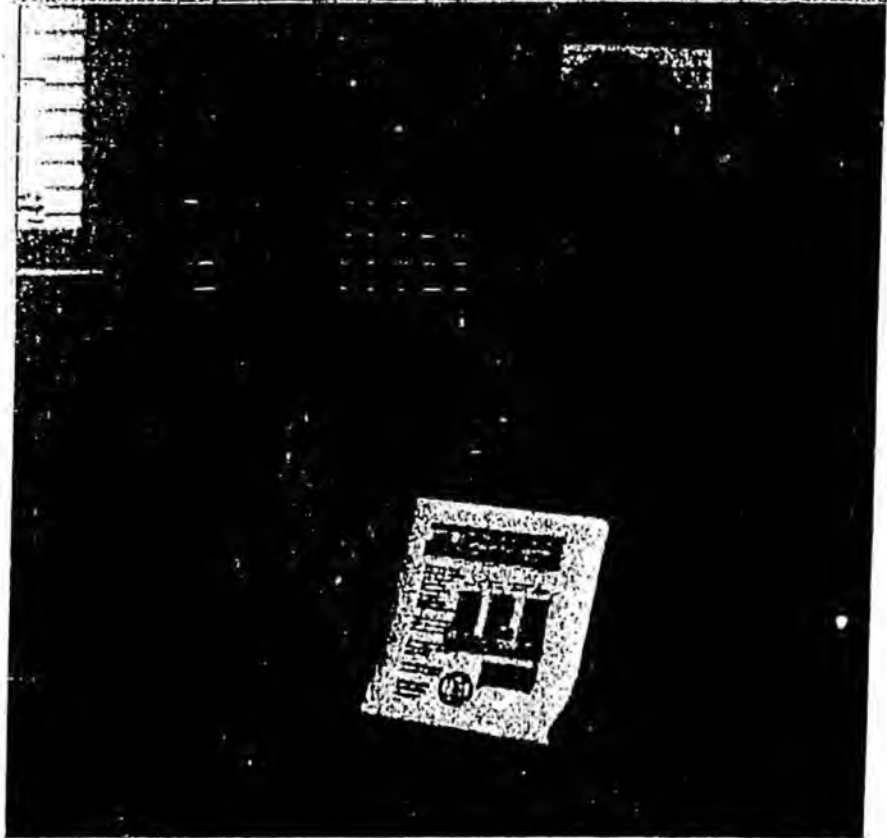
wider variety of databases, that use race, birthmarks, buying habits, and other activities and characteristics.

I am not arguing the ID cards are harmless. In a civil libertarian utopia, they would not exist. However, our world changed on 9/11. Moreover, this issue is governed by the Fourth Amendment, which is much less absolute than the First. It does not state that Congress shall make no law allowing search and seizure, only that there should be no *unreasonable* search and seizure--which, on the face of it, implies that there is a whole category of searches that are reasonable and fully compatible with the Constitution. No one has the right to a false ID. And if, after 9/11, we are going to identify people entering secure areas, then such identification should be reliable. ■

The CSO Store will be coming soon to our TNACSO website.

We will offer a complete line of clothing, shoes, vests, wet weather gear, and other Law Enforcement Equipment.

## Courthouse Security



Courtesy Photo by Sherry Arter

W.D. Saunders, CEO of The National Association of Court Security Officers (left), met with Bill DeCicco, Clerk of the Court, United States Court of Appeals for the Armed Forces (right), in Washington, DC on June 9, 2004 to discuss courthouse security, the many security enhancements completed and planned at the court, and the court security officers program.

CEO W.D. Saunders shares his prototype of The National Association of Court Security Officers magazine with Mr. DeCicco. "To take it a step further, I was greatly impressed with the new technology that is being used at the U.S. Court of Appeals for the Armed Forces as Bill DeCicco escorted me through the building," said CEO W.D. Saunders.

Leslie Anderson/CEO

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**7**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB007(JUD)-DOA-PD-2-20-07  
 Bill Version: CSHB007(JUD)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title An Act relating to false caller identification RDU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Representatives Lynn and Gardner  
 Requester \_\_\_\_\_ Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation will create a new crime for inserting false information into a caller identification system. The Agency does not expect this legislation to have a fiscal impact.

Prepared by: Quinlan Steiner, Director  
 Division: Public Defender Agency  
 Approved by: Rachael Petro, Deputy Commissioner  
 Agency: Administration

Phone (907) 334-4414  
 Date/Time 2/20/07 9:15 AM  
 Date 2/21/2007

# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: CS HB 7 (JUD)  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Corrections  
Title An Act relating to false caller identification. RDU Administration and Operations  
Component Officer of the Commissioner  
Sponsor Representatives Lynn, Gardner, Buch, Doogan  
Requester House Finance Component No. 694

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

Passage of this legislation will not create a substantial fiscal impact for the Department of Corrections. The number of potential cases should be very insignificant.

Prepared by: Sharleen Griffin, Director  
Division: Administrative Services  
Approved by: Dwayne Peeples, Deputy Commissioner  
Agency: Department of Corrections

Phone: (907) 465-3339  
Date/Time: 2/22/07 8:25 AM  
Date: 2/22/2007

# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB007-Courts-2-22-07  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
Title False caller identification RDU Alaska Court System  
Component Trial Courts  
Sponsor Representatives Lynn, Gardner Component No. \_\_\_\_\_  
Requester \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 7.

Prepared by: Doug Wooliver, Administrative Attorney  
Division: Alaska Court System  
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director  
Agency: Alaska Court System

Phone: 463-4750  
Date/Time: 2-22-07 @ 8:20 am  
Date: 2/22/2007

# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB007-LAW-CJL-2-21  
 Bill Version: HB007B  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
 Title An Act relating to false caller identification. RDU Criminal  
 Component Criminal Justice Litigation  
 Sponsor Representative Lynn  
 Requester House Finance Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The bill would create a new statute making it a class A or B misdemeanor for a person to knowingly insert false information into a caller identification system. The bill will have only a minor impact on the Criminal Division. We do not anticipate law enforcement to be sending us a great deal of these cases and that in most such cases the DOLaw will seek the civil remedy.

The Department of Law does not anticipate any significant fiscal impact from passage of this legislation.

Prepared by Robert Meiners, Acting Director  
 Division Administrative Services Division  
 Approved by Robert Meiners for Talis Colberg, Attorney General  
 Agency Department of Law

Phone 465-5427  
 Date/Time 2/21/07 10:28 AM  
 Date 2/21/2007

# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 7(JUD)  
(H) Publish Date: 2/12/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title: An Act relating to false caller identification RDU: Legal and Advocacy Services  
Hearing: Jud. 1-22-07 @ 1:00 p.m. Component: Office of Public Advocacy  
Sponsor: Reps. Lynn, Gardner, Buch, Doogan  
Requester: \_\_\_\_\_ Component No. 43

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This legislation will create a new crime for inserting false information into a caller identification system. Generally speaking, the creation of new crimes has the potential to impact our Agency fiscally. Since this will create a low level offense, and we cannot, with accuracy, determine that it will have any impact on the Agency, the Agency submits a zero fiscal note.

Prepared by: Rachel Levitt, Acting Deputy Director  
Division: Office of Public Advocacy  
Approved by: Melanie Millhorn, Deputy Commissioner  
Agency: Administration

Phone: (907) 269-3504  
Date/Time: 1/22/07 1:00 PM  
Date: \_\_\_\_\_

# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 7(JUD)  
(H) Publish Date: 2/12/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title An Act relating to false caller identification. RDU Civil Division  
Component Commercial & Fair Business  
Sponsor Representative Lynn  
Requester House Judiciary Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The bill would create a new statute making it a class B misdemeanor for a person to knowingly insert false information into a caller identification system.

The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Robert Moyners, Acting Director  
Division: Administrative Services Division  
Approved by: Robert Moyners for Tatis Colberg, Attorney General  
Agency: Department of Law

Phone 465-5427  
Date/Time 1/22/07 8:15 AM  
Date 1/22/2007

# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3  
Bill Version: CSHB 7(JUD)  
(H) Publish Date: 2/12/07

Revision Date/Time (CORRECTION): 01/30/07 2:32 P.M. Dept. Affected: Public Safety  
Title: An Act relating to false caller identification. RDU: Alaska State Troopers  
Sponsor: Representative Lynn Component: AST Detachments  
Requester: House Judiciary Committee Component No.: 2325

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*****	*****	*****	*****	*****	*****

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill creates the crime of False Caller Identification in Title 45, Trade Practices. The bill makes a class B misdemeanor knowingly entering false information into a caller identification system.

The Department of Public Safety does not expect many of these cases within its jurisdiction in any given year. However, to investigate even one will require special training, equipment and software, all of which will require continual upgrades. The department's best estimate at this time is a start up cost of approximately \$25,000, with additional annual upgrade and training costs. However, until the department knows the magnitude of the issue, we cannot assign a firm cost to this legislation.

Prepared by: Captain Hans Brinko  
Division: Division of Alaska State Troopers  
Approved by: Commissioner Wall Monegan  
Agency: Department of Public Safety

Phone: 907-465-2649  
Date/Time: 1/31/07 12:09 PM  
Date: 1/31/2007

*Adopted  
3/5/07*

25-LS0057AO  
Bannister  
2/26/07

**CS FOR HOUSE BILL NO. 7( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIFTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES LYNN AND GARDNER, Buch, Doogan**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to false caller identification."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **\* Section 1. AS 45.45 is amended by adding a new section to read:**

4           **Sec. 45.45.940. False caller identification.** (a) A person may not, with the  
5 intent to defraud, make a call or engage in other conduct that results in the display of  
6 false caller identification information on a recipient's phone.

7           (b) A person who violates (a) of this section is guilty of a class A  
8 misdemeanor.

9           (c) In this section,

10                   (1) "call" means a call made by a telephone, computer, or similar  
11 communications device or technology, whether transmitted by wire or wireless means;

12                   (2) "intent to defraud" has the meaning given in AS 11.46.990.

13 **\* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:**

14                   (52) violating AS 45.45.940 (false caller identification).

# Alaska State Legislature

Chairman  
State Affairs Committee

Vice-Chairman  
Economic Development, Trade & Tourism  
Committee

Member  
Judiciary Committee  
Joint Armed Services Committee

Finance Subcommittees  
Corrections  
Labor and Workforce Development  
Military and Veterans' Affairs  
Public Safety



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
District 31 Anchorage

E-Mail: Representative\_Bob\_Lynn@legis.state.ak.us  
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:  
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Juneau, AK 99801-1182

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Toll Free: (800) 870-4391

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Anchorage, AK 99501-2133

Phone: (907) 269-0205  
Fax: (907) 269-0207

## Changes to CSHB 7(JUD) Version\K to CSHB7 (FIN) Version\L HB-7 "Caller ID spoofing" Released: Monday, March 5, 2007

On February 12, 2007 the House Judiciary Committee passed a committee substitute CSHB 7 Version\K and that version was submitted to House Finance Committee along with a new CSHB 7 Version\L.

*New Text Underlined [~~Deleted Text Bracketed~~]*

Version\K Page 1, Line 4-6 the following language was **[deleted]**:

Sec. 45.45.940. False caller identification. (a) A person may not make a call ~~[and insert false information into a caller identification system with the intent to defraud.]~~

Version\L Page 1, Line 4-6 the new language **added** reads:

Sec. 45.45.940. False caller identification. (a) A person may not, with the intent to defraud, make a call or engage in other conduct that results in the display of false caller identification information on a recipient's phone.

Version\K Page 1, Line 7-10 the following language was **[deleted]**:

**[(b) This section does not apply to**  
**(1) law enforcement agencies of the federal government, a state government, or a municipality; or**  
**(2) intelligence or security agencies of the federal government.]**

Version\L Page 1, Line 7 the new language added reads:

(b) A person who violates (a) of this section

Version\K Page 1, Line 11-12 the following language was **[deleted]**:

[(c)] A person who violates (a) of this section [by inserting, whether by making one call or more than one call, false information into]

Version\L Page 1, Line 8-11 and line 1 of page 2 the new language added reads:

(1) is guilty of a class B misdemeanor if the call or other conduct results in false information being displayed to fewer than five recipient's phone;

(2) is guilty of a class A misdemeanor if the call or other conduct results in false information being displayed to five or more recipient's.

Version\K Page 1&2, Line 13-15 & 1 of pg 2) the following language was **[deleted]**:

(1) [fewer than five caller identification systems] is guilty of a class B misdemeanor;

(2) [five or more caller identification systems] is guilty of a class A misdemeanor.

Version\L Page 1&2, Line 12-15 & 1-2 the new language added reads:

(c) In this section,

(1) "call" means a call made by a telephone, computer, or similar communications device or technology, whether transmitted by wire or wireless means;

(2) "intent to defraud" has the meaning given in AS 11.46.990.

\* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

(52) violating AS 45.45.940 (false caller identification)

Version\K Page 2, Line 2-12 the following language was **[deleted]**:

[(d)] In this section,

(1) "call" means a call made by a telephone, computer, or similar communications device or technology, whether transmitted by wire or wireless means;

(2) "caller identification system" means a listing of a caller's name, telephone number, or name and telephone number that is shown to a recipient of a call when the recipient answers;

(3) "insert" means insert by voice communication, by written communication, or by otherwise entering into a computer;

[(4)] "intent to defraud" has the meaning given in AS 11.46.990.

\* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

(52) violating AS 45.45.940 (false caller identification).

On February 21, 2007 the House Finance Committee reviewed CSHB 7 version \L and suggested that a version with only one misdemeanor instead of two be submitted for the next House Finance Committee meeting.

Below are the changes from CS Version\L to CS Version\O.

**Version\L** Page 1, Line 7-11 the following language was **[deleted]**:

(b) A person who violates (a) of this section

**[(1)] is guilty of a class [B] misdemeanor [if the call or other conduct results in false information being displayed to fewer than five recipient's phone;**

**(2) is guilty of a class A misdemeanor if the call or other conduct results in false information being displayed to five or more recipient's.]**

**Version\O** Page 1, Line 7-8 the new language **added** reads:

(b) A person who violates (a) of this section is guilty of a class A misdemeanor.

*Replaced  
Adopted  
2/21/07*

25-LS0057L  
Bannister  
2/20/07

CS FOR HOUSE BILL NO. 7( )

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES LYNN AND GARDNER, Buch, Doogan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to false caller identification."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 45.45 is amended by adding a new section to read:

4       Sec. 45.45.940. False caller identification. (a) A person may not, with the  
5 intent to defraud, make a call or engage in other conduct that results in the display of  
6 false caller identification information on a recipient's phone.

7       (b) A person who violates (a) of this section

8               (1) is guilty of a class B misdemeanor if the call or other conduct  
9 results in false information being displayed to fewer than five recipients;

10               (2) is guilty of a class A misdemeanor if the call or other conduct  
11 results in false information being displayed to five or more recipients.

12       (c) In this section,

13               (1) "call" means a call made by a telephone, computer, or similar  
14 communications device or technology, whether transmitted by wire or wireless means;

15               (2) "intent to defraud" has the meaning given in AS 11.46.990.

1  
2

\* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:  
(52) violating AS 45.45.940 (false caller identification).

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 8, 2007

**SUBJECT:** CSHB 7(JUD) relating to false caller identification  
(Work Order No. 25-LS0057\K)

**TO:** Representative Jay Ramras  
Chair of the House Judiciary Committee  
Attn: Jane

**FROM:**  Theresa Bannister  
Legislative Counsel

This memo accompanies the bill described above.

Due process issue. Please be aware that this bill may raise the same due process issue mentioned in my memo on the "M" version. However, this issue is more aggravated in this version because this version also allows the prosecutor to decide whether, if there are more than one (but fewer than five) insertions, to charge the person with one or more class B misdemeanors.

Since this bill has passed out of your committee, you may want to pass this memo along with it to the next committee of record so that committee can take any action it decides is appropriate.

If I may be of further assistance, please advise.

TLB:ljw  
07-065.ljw

Enclosure

# Alaska State Legislature

**Chairman**  
State Affairs Committee

**Vice-Chairman**  
Economic Development, Trade & Tourism  
Committee

**Member**  
Judiciary Committee  
Joint Armed Services Committee

**Finance Subcommittees**  
Corrections  
Labor and Workforce Development  
Military and Veterans' Affairs  
Public Safety



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
**District 31 Anchorage**

**E-Mail: Representative\_Bob\_Lynn@legis.state.ak.us**  
**"Bob Lynn's Alaska Blog" RepBobLynnBlog.com**

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Fax: (907) 269-0207

**Sectional Analysis HB 7 ( ): "Caller ID Spoofing,"**  
**AA Act relating to false caller identification.**

Released: February 19, 2007

Dirk Moffatt, Staff for Rep. Bob Lynn

**Section 1.** 45.45 is amended by adding a new section, AS 45.45.940, creating the crime of false caller identification for a person who makes a call and inserts false information into a caller identification system with the intent to defraud. The crime would be a class B misdemeanor for a person who inserts false information into fewer than five Caller ID Systems and a class A misdemeanor for Five or more Caller ID Systems.

**Section 2.** Amends AS 45.50.471 to add the new violation of false caller identification to the list of unlawful acts and practices under this section to read: (52) violating AS 45.45.940 (false caller identification).

# Alaska State Legislature

Chairman  
State Affairs Committee

Vice-Chairman  
Economic Development, Trade & Tourism  
Committee

Member  
Judiciary Committee  
Joint Armed Services Committee

Finance Subcommittees



*A Communication From*  
**REPRESENTATIVE BOB LYNN**  
District 31 Anchorage

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"Bob Lynn's Alaska Blog" [RepBobLynnBlog.com](http://RepBobLynnBlog.com)

Session:  
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## SPONSOR STATEMENT

### HB 7

#### An Act relating to false caller identification

**Warning: Do not trust your telephone Caller ID.** The name and number you see and trust may be false. Both private individuals and commercial spoofer can now cause false caller identification to be displayed on your caller identification screen.

False caller identification is more than pranks, or annoyance. The power to create serious mischief and facilitate fraud with Caller ID spoofing technology is almost unlimited, and it can be potentially dangerous.

For example, some financial institutions use Caller ID to authenticate telephone requests for personal account information. With a few personal tidbits and your spoofed number, an impostor could access your bank or credit card account. Scam artists who appear to be phoning from a reputable agency can defraud their victims with ease. There's also potential for hoaxing emergency calls with false Caller ID to law enforcement or the fire department. Predators may use Caller ID spoofing to help them commit crime against women and children.

Anyone with sufficient computer and telephonic skills can spoof telephone caller identification systems. In fact an entire telephone spoofing industry has emerged, and is growing daily. With one service for the price of a ten-dollar calling card anyone can change what someone sees on their Caller ID display and even change their voice. These spoofing services can work with mobile phones, landlines as well as telephone services that are routed via the Internet.

HB-7 is a simple measure, that doesn't get into the technological complexities of how the spoofing gets to the display on your Caller ID. If you insert false Caller ID information into a Caller ID system a crime has been committed.

Alaska should take whatever action possible within its jurisdiction to stem the abuse of "Caller ID Spoofing." HB-7 will make it class B misdemeanor for any person who inserts false information into a Caller ID system, except for legitimate law enforcement, intelligence or security agencies.

# Alaska State Legislature

Chairman  
State Affairs Committee

Vice-Chairman  
Economic Development, Trade & Tourism  
Committee

Member  
Judiciary Committee  
Joint Armed Services Committee

Finance Subcommittees



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## **Sectional Analysis HB 7 (JUD): "Caller ID Spoofing," An Act relating to false caller identification.**

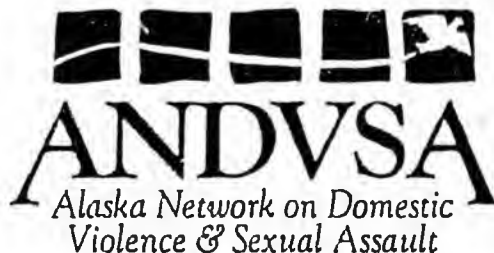
Released: January 18, 2007

Dirk Moffatt, Staff for Rep. Bob Lynn

**Section 1.** Adds a new section, AS 45.45.940, creating the crime of false caller identification for a person who knowingly inserts false information into a caller identification system. The crime would be a class B misdemeanor.

**Section 2.** Amends AS 45.50.471 to add the new violation of false caller identification to the list of unlawful acts and practices under this section.

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Sitka Office  
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Sitka, Alaska 99835  
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Fax: (907) 747-7547

April 10, 2006

The Honorable Bob Lynn  
State House of Representatives  
Alaska State Capitol  
Juneau, AK 99801-1182

Dear Representative Lynn:

The Alaska Network on Domestic Violence & Sexual Assault is a statewide coalition of member shelter and community based programs that provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to thank you for introducing House Bill 308, "An Act relating to false caller identification", and offer our support.

Victims of interpersonal violence are often harassed and stalked through the phone system by perpetrators. One very important protection that victims use is caller ID to prevent unknown numbers from reaching them. This is a key safety feature for victims because when perpetrators reach them to threaten, cajole, "guilt trip", or even beg forgiveness, the emotional effects can be devastating.

One easy query on the internet finds the ad: "*Free Voice Changer & Call Recording: Call anyone and Fake your Caller ID.*" It is chilling to know that perpetrators have such easy access to these threatening tools and that they currently face no consequence for using it.

The Network strongly supports this legislation to make use of this software illegal and we thank you for your leadership in addressing this issue.

Please let me know if I can offer other support for this legislation.

Sincerely,

Peggy Brown  
Executive Director

---

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC  
Homer SPIII Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC  
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

# LEGISLATIVE RESEARCH REPORT

MARCH 10, 2005



REPORT NUMBER 05.220

## LEGISLATION IN OTHER STATES: CALLER ID FALSIFICATION, OR "SPOOFING"

PREPARED FOR REPRESENTATIVE BOB LYNN

BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about caller ID falsification, or "spoofing." Specifically, you asked if any states have considered legislation that would make illegal "spoofing"—that is, using electronic means to cause caller ID systems to display false information. Further, you asked how a law making this practice illegal in Alaska might be crafted.

In mid-2004, a flurry of media interest surrounding caller ID systems was generated when hackers discovered that the systems could be manipulated, through fairly simple means, to display incorrect information on a receiving party's caller ID display. Concern over the systems' vulnerability intensified later in the year when a company announced plans to offer a commercial product that would enable purchasers to spoof caller ID systems at will. Although the vendor eventually opted to offer the product only to law enforcement agencies, which can use the tool as an incognito means to contact and locate wanted individuals, privacy advocates and consumer groups voiced concern that the misuse of such technology could be instrumental in identity theft schemes and other inappropriate or illegal actions.

Our research identified only one state, New York, that has thus far considered legislation specifically related to caller ID spoofing.<sup>1</sup> We include, as Attachment A, copies of two bills currently under consideration in New York.

Although legislation has not yet been widely considered specifically with regard to spoofing Caller ID systems, under certain circumstances such chicanery may be illegal in a number of states under laws intended to address other issues. In 2002-2003, for example, a number of states enacted legislation creating "do not call lists." Generally, these laws require telemarketers to remove from their databases the telephone numbers of people appearing on the list, thereby

<sup>1</sup> Our research included Lexis database searches of the current laws of the fifty states and of all state legislation introduced in the years 2003-2005 using the terms "caller ID" and "caller identification." There may be states with laws of similar practical application, but worded such that our Lexis queries did not identify them.

allowing consumers to "opt out" of receiving soliciting phone calls. Some such laws included other restrictions on the business practices of telemarketers with regard to caller ID systems. Michigan, for instance, passed Act 612 (2002), which included the following section:

A telephone solicitor shall not intentionally block or otherwise interfere with the caller ID function on the telephone of a residential telephone subscriber to whom a telephone solicitation is made so that the telephone number of the caller is not displayed on the telephone of the residential telephone subscriber.

The Michigan law defines "telephone solicitation" as using "any voice communication over a telephone for the purpose of encouraging the recipient of the call to purchase, rent, or invest in goods or services during that telephone call . . ." It is unclear, therefore, to what degree spoofing caller ID systems for purposes other than solicitation may be covered by this law. We include, as Attachment B, a copy of Michigan Public Act 612 (2002).

We are unable to identify a model law as a basis for drafting such legislation in Alaska perhaps because no direct precedent yet exists for making illegal the falsification of caller ID systems. You may want to contact Legal Services for more information on this matter.

---

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

**Attachment A**

New York Assembly Bill 1603 (2005)

New York Senate Bill 1075 (2005)

2005 NY A.B. 1603

NEW YORK 228TH ANNUAL LEGISLATIVE SESSION

ASSEMBLY BILL 1603  
2005-2006 REGULAR SESSIONS  
JANUARY 21, 2005

INTRODUCED BY M. OF A. SWEENEY, WEISENBERG, CLARK, A. COHEN, SEDDIO, BRADLEY,  
HOOPER, AUBERTINE, PHEFFER -- MULTI-SPONSORED BY -- M. OF A. AUBRY, M. COHEN,  
COLTON, L. DIAZ, GALEF, GORDON, GRANNIS, HIKIND, JOHN, KOON, LAFAYETTE,  
MAGEE, MAYERSOHN, PEOPLES, PERRY, P. RIVERA, ROBINSON, SCHIMMINGER, STRINGER,  
TOWNS -- READ ONCE AND REFERRED TO THE COMMITTEE ON CORPORATIONS, AUTHORITIES  
AND COMMISSIONS

2005 Bill Text NY A.B. 1603

VERSION-DATE: January 21, 2005

SYNOPSIS: AN ACT to amend the public service law, in relation to defining and prohibiting caller ID scamming

NOTICE: [A] UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED [A]

TEXT: THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public service law is amended by adding a new section 92-g to read as follows:

[A] SECTION 92-G. CALLER ID SCAMMING. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: [A]

[A] (A) "CALLER ID EQUIPMENT" SHALL MEAN ANY DEVICE THAT IS PART OF OR ATTACHED TO A TELEPHONE RECEIVER THE PURPOSE OF WHICH IS TO DISPLAY OR OTHERWISE INDICATE THE TELEPHONE NUMBER OR OTHER IDENTIFIER OF THE PERSON OR TELEPHONE INITIATING THE CALL: [A]

[A] (B) "CALLER ID SCAM" SHALL MEAN ANY SCHEME, PLAN, SUBTERFUGE OR DEVICE INTENDED TO CAUSE THE CALLER ID EQUIPMENT USED BY ANY PERSON RECEIVING A TELEPHONE COMMUNICATION TO INDICATE THAT SUCH TELEPHONE COMMUNICATION WAS INITIATED AT A TELEPHONE NUMBER OTHER THAN THE NUMBER OF THE TELEPHONE BEING USED BY THE CALLER, AND [A]

[A] (C) "TELEPHONE COMMUNICATION" SHALL MEAN "TELECOMMUNICATION SERVICES" AS DEFINED IN PARAGRAPH (G) OF SUBDIVISION ONE OF SECTION ONE HUNDRED EIGHTY-SIX-E OF THE TAX LAW. [A]

[A] 2. IT SHALL BE UNLAWFUL FOR A PERSON INITIATING A TELEPHONE COMMUNICATION TO ENGAGE IN OR USE ANY CALLER ID SCAM WITH THE INTENT TO DEFRAUD A PERSON RECEIVING SUCH TELEPHONE COMMUNICATION. [A]

[A] 3. IT SHALL BE UNLAWFUL FOR A TELEPHONE SOLICITOR IN MAKING OR CAUSING TO BE MADE A CONSUMER TELEPHONE CALL TO USE ANY CALLER ID SCAM WITH THE INTENT TO DEFRAUD A CONSUMER RECEIVING SUCH CONSUMER TELEPHONE CALL. FOR THE PURPOSES OF THIS SUBDIVISION THE TERMS "TELEPHONE SOLICITOR" AND "CONSUMER TELEPHONE CALL" SHALL HAVE THE MEANINGS ASSIGNED TO SUCH TERMS IN SUBDIVISION ONE OF SECTION THREE HUNDRED NINETY-NINE-P OF THE GENERAL BUSINESS LAW. [A]

[A] 4. THE COMMISSION UNDER THE DIRECTION OF THE CHAIRMAN IS HEREBY EMPOWERED TO ESTABLISH AND ADOPT RULES AND REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS SECTION. <A]

[A] 5. ANY VIOLATION OF THIS SECTION IS PUNISHABLE BY A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS. <A]

Section 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

SPONSOR: Sweeney

SUBJECT: TELEMARKETING (90%); RESIDENTIAL TELEPHONE SERVICE (90%); FRAUD & FINANCIAL CRIME (90%); LEGISLATION (78%); LEGISLATORS (78%); TAX LAW (73%); TAXES & TAXATION (73%); FINES & PENALTIES (73%); TELECOMMUNICATIONS (55%);

LOAD-DATE: January 26, 2005

2005 NY S.B. 1075

JANUARY 24, 2005

INTRODUCED BY SENS. ALESI, LITTLE, MALTESE, TRUNZO -- READ TWICE AND ORDERED  
PRINTED, AND WHEN PRINTED TO BE COMMITTED TO THE COMMITTEE ON CONSUMER  
PROTECTION

2005 Bill Text NYS.B. 1075

VERSION: Introduced

VERSION-DATE: January 24, 2005

SYNOPSIS: AN ACT to amend the general business law, in relation to preventing certain persons from fraudulently impersonating others on caller ID

NOTICE: [A] UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED [A]

TEXT: THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 399-cc to read as follows:

[A] SECTION 399-CC. FRAUDULENT IMPERSONATION BY CALLER ID. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: [A]

[A] A. "BOARD" SHALL MEAN THE CONSUMER PROTECTION BOARD; AND [A]

[A] B. "PERSON" MEANS ANY NATURAL PERSON, ASSOCIATION, PARTNERSHIP, FIRM, CORPORATION, LIMITED LIABILITY COMPANY AND ITS AFFILIATES OR SUBSIDIARIES OR OTHER BUSINESS ENTITY. [A]

[A] 2. IT SHALL BE UNLAWFUL FOR ANY PERSON TO FRAUDULENTLY USE STAR #38 OR ANY OTHER SUCH METHOD OR FUNCTION TO CHOOSE THE NAME AND NUMBER, OTHER THAN SUCH PERSON'S ORIGINAL NAME AND NUMBER, WHICH WOULD APPEAR ON THE CALLER ID BOX OF THE PERSON CALLED. [A]

[A] 3. ANY COMPANY THAT PROVIDES LOCAL TELEPHONE DIRECTORIES TO CUSTOMERS IN THIS STATE SHALL INFORM ITS CUSTOMERS OF THE PROVISIONS OF THIS SECTION BY MEANS OF PUBLISHING A NOTICE IN SUCH LOCAL TELEPHONE DIRECTORIES. [A]

[A] 4. THE BOARD SHALL PRESCRIBE RULES AND REGULATIONS TO ADMINISTER THIS SECTION. [A]

Section 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

SPONSOR: Alesi

SUBJECT: IMPERSONATION (93%); CONSUMER PROTECTION (90%); LEGISLATORS (90%);  
LEGISLATION (78%);

LOAD-DATE: January 27, 2005

**Attachment B**

Michigan Public Act 612 of 2003 (introduced as House Bill 4042)

MICHIGAN 91ST LEGISLATURE -- 2002 REGULAR SESSION

HOUSE BILL 4042  
(Act 612, Public Acts of 2002)

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

The People of the State of Michigan enact:

TITLE

An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies.

Sec. 1. As used in this act:

(a) "Home solicitation sale" means a sale of goods or services of more than \$ 25.00 in which the seller or a person acting for the seller engages in a personal, telephonic, or written solicitation of the sale, the solicitation is received by the buyer at a residence of the buyer, and the buyer's agreement or offer to purchase is there given to the seller or a person acting for the seller. Home solicitation sale does not include any of the following:

- (i) A sale made pursuant to a preexisting revolving charge account.
- (ii) A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.
- (iii) A sale or solicitation of insurance by an insurance agent licensed by the commissioner of insurance.
- (iv) A sale made at a fixed location of a business establishment where goods or services are offered or exhibited for sale.
- (v) A sale made pursuant to a printed advertisement in a publication of general circulation.
- (vi) A sale of services by a real estate broker or salesperson licensed by the department of consumer and industry services.
- (vii) A sale of agricultural or horticultural equipment and machinery that is demonstrated to the consumer by the vendor at the request of either or both of the parties.

(b) "Fixed location" means a place of business where the seller or an agent, servant, employee, or solicitor of that seller primarily engages in the sale of goods or services of the same kind as would be sold at the residence of a buyer.

(c) "Business day" means Monday through Friday and does not include Saturday, Sunday, or the following business holidays: New Year's day, Martin Luther King's birthday, Washington's birthday, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day.

(d) "Federally insured depository institution" means a state or national bank, state or federal savings bank, state or federal savings and loan association, or state or federal credit union that holds deposits insured by an agency of the United States.

(e) As used in only the definition of home solicitation sales, "goods or services" does not include any of the following:

- (i) A loan, deposit account, or trust account lawfully offered or provided by a federally insured depository institution or a subsidiary or affiliate of a federally insured depository institution.
- (ii) An extension of credit that is subject to any of the following acts:

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

- (A) The mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.
- (B) The secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81.
- (C) The regulatory loan act, 1939 PA 21, MCL 493.1 to 493.24.
- (D) The consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072.
- (E) 1984 PA 379, MCL 493.101 to 493.114.
- (F) The motor vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL 492.101 to 492.141.
- (iii) A sale of a security or interest in a security that is subject to the uniform securities act, 1964 PA 265, MCL 451.501 to 451.818.
- (f) "Written solicitation" means a postcard or other written notice delivered to a buyer's residence that requests that the buyer contact the seller or seller's agent by telephone to inquire about a good or service, unless the postcard or other written notice concerns a previous purchase or order or specifies the price of the good or service and accurately describes the good or service.
- (g) "ADAD" or "automatic dialing and announcing device" means any device or system of devices that is used, whether alone or in conjunction with other equipment, for the purpose of automatically selecting or dialing telephone numbers.
- (h) "Commission" means the public service commission.
- (i) "Do-not-call list" means a do-not-call list of consumers and their residential telephone numbers maintained by the commission, by a vendor designated by the commission, or by an agency of the federal government, under section 1a.
- (j) "Existing customer" means an individual who has purchased goods or services from a person, who is the recipient of a voice communication from that person, and who either paid for the goods or services within the 12 months preceding the voice communication or has not paid for the goods and services at the time of the voice communication because of a prior agreement between the person and the individual.
- (k) "Person" means an individual, partnership, corporation, limited liability company, association, governmental entity, or other legal entity.
- (l) "Residential telephone subscriber" or "subscriber" means a person residing in this state who has residential telephone service.
- (m) "Telephone solicitation" means any voice communication over a telephone for the purpose of encouraging the recipient of the call to purchase, rent, or invest in goods or services during that telephone call. Telephone solicitation does not include any of the following:
- (i) A voice communication to a residential telephone subscriber with that subscriber's express invitation or permission prior to the voice communication.
- (ii) A voice communication to an existing customer of the person on whose behalf the voice communication is made, unless the existing customer is a consumer who has requested that he or she not receive calls from or on behalf of that person under section 1c(1)(g).
- (iii) A voice communication to a residential telephone subscriber in which the caller requests a face-to-face meeting with the residential telephone subscriber to discuss a purchase, sale, or rental of, or investment in, goods or services but does not urge the residential telephone subscriber to make a decision to purchase, sell, rent, invest, or make a deposit on that good or service during the voice communication.
- (n) "Telephone solicitor" means any person doing business in this state who makes or causes to be made a telephone solicitation from within or outside of this state, including, but not limited to, calls made by use of automated dialing and announcing devices or by a live person.
- (o) "Vendor" means a person designated by the commission to maintain a do-not-call list under section 1a. The term may include a governmental entity.

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

Sec. 1a. (1) A home solicitation sale shall not be made by telephonic solicitation using in whole or in part a recorded message. A person shall not make a telephone solicitation that consists in whole or in part of a recorded message.

(2) Within 120 days after the effective date of the amendatory act that added this subsection, the commission shall do 1 of the following:

(a) Establish a state do-not-call list. All of the following apply if the commission establishes a do-not-call list under this subdivision:

(i) The commission shall publish the do-not-call list quarterly for use by telephone solicitors.

(ii) The do-not-call list fund is created in the state treasury. Money received from fees under subparagraph (iii) shall be credited to the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal years. Money in the fund may be appropriated to the commission to cover the costs of administering the do-not-call list, but may not be appropriated to compensate or reimburse a vendor designated under subdivision (b) to maintain a do-not-call list under that subdivision.

(iii) The commission shall establish and collect 1 or both of the following fees to cover the costs to the commission for administering the do-not-call list:

(A) Fees charged to telephone solicitors for access to the do-not-call list.

(B) Fees charged to residential telephone subscribers for inclusion on the do-not-call list. The commission shall not charge a residential telephone subscriber a fee of more than \$ 5.00 for a 3-year period.

(iv) The commission shall maintain the do-not-call list for at least 1 year. After 1 year, the commission may at any time elect to designate a vendor to maintain a do-not-call list under subdivision (b), in which case subdivision (b) shall apply.

(b) Designate a vendor to maintain a do-not-call list. All of the following apply to a vendor designated to maintain a do-not-call list under this subdivision:

(i) The commission shall establish a procedure or follow existing procedure for the submission of bids by vendors to maintain a do-not-call list under this subdivision.

(ii) The commission shall establish a procedure or follow existing procedure for the selection of the vendor to maintain the do-not-call list. In selecting the vendor, the commission shall consider at least all of the following factors:

(A) The cost of obtaining and the accessibility and frequency of publication of the do-not-call list to telephone solicitors.

(B) The cost and ease of registration on the do-not-call list to consumers who are seeking inclusion on the do-not-call list.

(iii) The commission may review its designation and make a different designation under this subdivision if the commission determines that another person would be better than the designated vendor in meeting the selection factors established under subparagraph (ii) or if the designated vendor engages in activities the commission considers contrary to the public interest.

(iv) If the commission does not establish a state do-not-call list under subdivision (a), the commission shall comply with the designation requirements of this subdivision for at least 1 year. After 1 year, the commission may at any time elect to establish and maintain a do-not-call list under subdivision (a), in which case subdivision (a) shall apply.

(v) Unless the vendor is a governmental entity, a vendor designated by the commission under this subdivision is not a governmental agency and is not an agent of the commission in maintaining a do-not-call list.

(vi) The commission and a vendor designated under this subdivision shall execute a written contract. The contract shall include the vendor's agreement to the requirements of this section and any additional requirements established by the commission.

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

(vii) The commission shall not use state funds to compensate or reimburse a vendor designated under this subdivision. The vendor may receive compensation or reimbursement for maintaining a designated do-not-call list under this subdivision only from 1 or both of the following:

(A) Fees charged by the vendor to telephone solicitors for access to the do-not-call list.

(B) Fees charged by the vendor to residential telephone subscribers for inclusion on the do-not-call list. A designated vendor shall not charge a residential telephone subscriber a fee of more than \$ 5.00 for a 3-year period.

(viii) The designee do-not-call list fund is created in the state treasury. If the vendor is a department or agency of this state, money received from fees under subparagraph (vii) by that vendor shall be credited to the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal years. Money in the fund may be appropriated to that vendor to cover the costs of administering the do-not-call list.

(3) In determining whether to establish a state do-not-call list under subsection (2)(a) or designate a vendor under subsection (2)(b), and in designating a vendor under subsection (2)(b), the commission shall consider comments submitted to the commission from consumers, telephone solicitors, or any other person.

(4) Beginning 90 days after the commission establishes a do-not-call list under subsection (2)(a) or designates a vendor to maintain a do-not-call list under subsection (2)(b), a telephone solicitor shall not make a telephone solicitation to a residential telephone subscriber whose name and residential telephone number is on the then-current version of that do-not-call list.

(5) Notwithstanding any other provision of this section, if an agency of the federal government establishes a federal do-not-call list, within 120 days after the establishment of the federal do-not-call list, the commission shall designate the federal list as the state do-not-call list. The federal list shall remain the state do-not-call list as long as the federal list is maintained. A telephone solicitor shall not make a telephone solicitation to a residential telephone subscriber whose name and residential telephone number is on the then-current version of the federal list.

(6) A telephone solicitor shall not use a do-not-call list for any purpose other than meeting the requirements of subsection (4) or (5).

(7) The commission or a vendor shall not sell or transfer the do-not-call list to any person for any purpose unrelated to this section.

Sec. 1b. (1) At the beginning of a telephone solicitation, a person making a telephone solicitation to a residential telephone subscriber shall state his or her name and the full name of the organization or other person on whose behalf the call was initiated and provide a telephone number of the organization or other person on request. A natural person must be available to answer the telephone number at any time when telephone solicitations are being made.

(2) The person answering the telephone number required under subsection (1) shall provide a residential telephone subscriber calling the telephone number with information describing the organization or other person on whose behalf the telephone solicitation was made to the residential telephone subscriber and describing the telephone solicitation.

(3) A telephone solicitor shall not intentionally block or otherwise interfere with the caller ID function on the telephone of a residential telephone subscriber to whom a telephone solicitation is made so that the telephone number of the caller is not displayed on the telephone of the residential telephone subscriber.

Sec. 1c. (1) It is an unfair or deceptive act or practice and a violation of this act for a telephone solicitor to do any of the following:

(a) Misrepresent or fail to disclose, in a clear, conspicuous, and intelligible manner and before payment is received from the consumer, all of the following information:

(i) Total purchase price to the consumer of the goods or services to be received.

(ii) Any restrictions, limitations, or conditions to purchase or to use the goods or services that are the subject of an offer to sell goods or services.

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

(iii) Any material term or condition of the seller's refund, cancellation, or exchange policy, including a consumer's right to cancel a home solicitation sale under section 2 and, if applicable, that the seller does not have a refund, cancellation, or exchange policy.

(iv) Any material costs or conditions related to receiving a prize, including the odds of winning the prize, and if the odds are not calculable in advance, the factors used in calculating the odds, the nature and value of a prize, that no purchase is necessary to win the prize, and the "no purchase required" method of entering the contest.

(v) Any material aspect of an investment opportunity the seller is offering, including, but not limited to, risk, liquidity, earnings potential, market value, and profitability.

(vi) The quantity and any material aspect of the quality or basic characteristics of any goods or services offered.

(vii) The right to cancel a sale under this act, if any.

(b) Misrepresent any material aspect of the quality or basic characteristics of any goods or services offered.

(c) Make a false or misleading statement with the purpose of inducing a consumer to pay for goods or services.

(d) Request or accept payment from a consumer or make or submit any charge to the consumer's credit or bank account before the telephone solicitor or seller receives from the consumer an express verifiable authorization. As used in this subdivision, "verifiable authorization" means a written authorization or confirmation, an oral authorization recorded by the telephone solicitor, or confirmation through an independent third party.

(e) Offer to a consumer in this state a prize promotion in which a purchase or payment is necessary to obtain the prize.

(f) Fail to comply with the requirements of section 1a or 1b.

(g) Make a telephone solicitation to a consumer in this state who has requested that he or she not receive calls from the organization or other person on whose behalf the telephone solicitation is made.

(2) Except as provided in this subsection, beginning 210 days after the effective date of the amendatory act that added this section, a person who knowingly or intentionally violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$ 500.00, or both. This subsection does not prohibit a person from being charged with, convicted of, or punished for any other crime including any other violation of law arising out of the same transaction as the violation of this section. This subsection does not apply if the violation of this section is a failure to comply with the requirements of section 1a(1), (4), or (5) or section 1b.

(3) A person who suffers loss as a result of violation of this section may bring an action to recover actual damages or \$ 250.00, whichever is greater, together with reasonable attorney fees. This subsection does not prevent the consumer from asserting his or her rights under this act if the telephone solicitation results in a home solicitation sale, or asserting any other rights or claims the consumer may have under applicable state or federal law.

Sec. 1d. (1) Beginning 210 days after the effective date of the amendatory act that added this section, if a telephone directory includes residential telephone numbers, a person that publishes a new telephone directory shall include in the telephone directory a notice describing the do-not-call list and how to enroll on the do-not-call list.

(2) Beginning 210 days after the effective date of the amendatory act that added this section, each telecommunication provider that provides residential telephone service shall include a notice describing the do-not-call list and how to enroll on the do-not-call list with 1 of that telecommunication provider's bills for telecommunication services to a residential telephone subscriber each year. If the federal communication commission or any other federal agency establishes a federal "do not call" list, the notice shall also describe that list and how to enroll on that list. As used in this subsection, "telecommunication provider" means that term as defined in section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102.

Sec. 1e. Sections 1a, 1b, 1c, and 1d do not apply to a person subject to any of the following:

(a) The charitable organizations and solicitations act, 1975 PA 169, MCL 400.271 to 400.294.

(b) The public safety solicitation act, 1992 PA 298, MCL 14.301 to 14.327.

(c) Section 527 of the internal revenue code of 1986.

Sec. 3. (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller shall present to the buyer and obtain the buyer's signature to a written agreement or offer to purchase that designates as the date of the transaction the date on which the buyer actually signs. The agreement or offer to purchase shall contain a statement substantially as follows in immediate proximity to the space reserved in the agreement or offer to purchase for the signature of the buyer:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right. Additionally, the seller is prohibited from having an independent courier service or other third party pick up your payment at your residence before the end of the 3-business-day period in which you can cancel the transaction."

(2) The seller shall attach to the copy or cause to be printed on the reverse side of the written agreement or offer to purchase retained by the buyer a notice of cancellation in duplicate that shall appear as follows:  
"notice of cancellation (enter date of transaction) (date) You may cancel this transaction, without any penalty or obligation, within 3 business days from the above date. If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled. If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk. If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract. To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to (name of seller), at (address of seller's place of business) not later than midnight on \_\_\_\_\_ (date) I hereby cancel this transaction. \_\_\_\_\_ (date) \_\_\_\_\_ (buyer's signature) "

(3) The notices required by this section shall be in not less than 10-point bold type and shall be 2 points larger than the text of the contract. A written agreement or offer to purchase and the notice of cancellation attached to the agreement or offer shall be written in the same language as that used in any oral presentation that was given to facilitate sale of the goods or services. The seller shall enter on the blanks in the notice of cancellation the date of transaction, which is the date the buyer signs the written agreement, and the date for mailing the notice of cancellation. An error in entering this information shall not diminish the buyer's rights under this act.

(4) Until the seller has complied with this section, the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his or her intention to cancel.

(5) This section does not apply to a home solicitation sale where the seller engaged in a telephone solicitation of the sale if sections 505 to 507 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2505 to 484.2507, apply to the solicitation or sale.

Sec. 6. In connection with a home solicitation sale, refunds or penalties to which the debtor is entitled pursuant to this act may be set off against the debtor's obligation, and may be raised as a defense to an action on the obligation without regard to the time limitations prescribed by this act.

HISTORY:  
Approved by the Governor on December 20, 2002  
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Sec. 45.50.471. Unlawful acts and practices.

(a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce are declared to be unlawful.

(b) The terms "unfair methods of competition" and "unfair or deceptive acts or practices" include, but are not limited to, the following acts:

- (1) fraudulently conveying or transferring goods or services by representing them to be those of another;
- (2) falsely representing or designating the geographic origin of goods or services;
- (3) causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval, or another person's affiliation, connection, or association with or certification of goods or services;
- (4) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;
- (5) representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, secondhand, or seconds;
- (6) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (7) disparaging the goods, services, or business of another by false or misleading representation of fact;
- (8) advertising goods or services with intent not to sell them as advertised;
- (9) advertising goods or services with intent not to supply reasonable expectable public demand, unless the advertisement prominently discloses a limitation of quantity;
- (10) making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
- (11) engaging in any other conduct creating a likelihood of confusion or of misunderstanding and which misleads, deceives or damages a buyer or a competitor in connection with the sale or advertisement of goods or services;
- (12) using or employing deception, fraud, false pretense, false promise, misrepresentation, or knowingly concealing, suppressing, or omitting a material fact with intent that others rely upon the concealment, suppression, or omission in connection with

the sale or advertisement of goods or services whether or not a person has in fact been misled, deceived or damaged;

(13) failing to deliver to the customer at the time of an installment sale of goods or services, a written order, contract, or receipt setting out the name and address of the seller and the name and address of the organization that the seller represents, and all of the terms and conditions of the sale, including a description of the goods or services, which shall be stated in readable, clear, and unambiguous language;

(14) representing that an agreement confers or involves rights, remedies, or obligations which it does not confer or involve, or which are prohibited by law;

(15) knowingly making false or misleading statements concerning the need for parts, replacement, or repair service;

(16) misrepresenting the authority of a salesman, representative, or agent to negotiate the final terms of a consumer transaction;

(17) basing a charge for repair in whole or in part on a guaranty or warranty rather than on the actual value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the guaranty or warranty, if any;

(18) disconnecting, turning back, or resetting the odometer of a vehicle to reduce the number of miles indicated;

(19) using a chain referral sales plan by inducing or attempting to induce a consumer to enter into a contract by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the consumer either sells, or gives information or assistance for the purpose of leading to a sale by the seller of the same or related goods;

(20) selling or offering to sell a right of participation in a chain distributor scheme;

(21) selling, falsely representing, or advertising meat, fish, or poultry which has been frozen as fresh food;

(22) failing to comply with AS 45.02.350 ;

(23) failing to comply with AS 45.45.130 - 45.45.240;

(24) counseling, consulting, or arranging for future services relating to the disposition of a body upon death whereby certain personal property, not including cemetery lots and markers, will be furnished or the professional services of a funeral director or embalmer will be furnished, unless the person receiving money or property deposits the money or property, and money or property is received, within five days of its

receipt, in a trust in a financial institution whose deposits are insured by an instrumentality of the federal government designating the institution as the trustee as a separate trust in the name only of the person on whose behalf the arrangements are made with a provision that the money or property may only be applied to the purchase of designated merchandise or services and should the money or property deposited and any accrued interest not be used for the purposes intended on the death of the person on whose behalf the arrangements are made, all money or property in the trust shall become part of that person's estate; upon demand by the person on whose behalf the arrangements are made, all money or property in the trust including accrued interest, shall be paid to that person; this paragraph does not prohibit the charging of a separate fee for consultation, counseling, or arrangement services if the fee is disclosed to the person making the arrangement; any arrangement under this paragraph which would constitute a contract of insurance under AS 21 is subject to the provisions of AS 21;

(25) failing to comply with the terms of AS 45.50.800 ~~45.50.850~~ (Alaska Gasoline Products Leasing Act);

(26) failing to comply with AS 45.30 relating to mobile home warranties and mobile home parks;

(27) failing to comply with AS 14.48.060 (b)(13);

(28) dealing in hearing aids and failing to comply with AS 08.55;

(29) violating AS 45.45.910 (a), (b), or (c);

(30) failing to comply with AS 45.50.473;

(31) violating the provisions of AS 45.45.400;

(32) knowingly selling a reproduction of a piece of art or handicraft that was made by a resident of the state unless the reproduction is clearly labeled as a reproduction; in this paragraph, "reproduction" means a copy of an original if the copy is

(A) substantially the same as the original; and

(B) not made by the person who made the original;

(33) violating AS 08.66 (motor vehicle dealers);

(34) violating AS 08.66.200 - 08.66.350 (motor vehicle buyers' agents);

(35) violating AS 45.63 (solicitations by telephonic means);

(36) violating AS 45.68 (charitable solicitations);

(37) violating AS 45.50.474 (on board promotions);

(38) referring a person to a dentist or a dental practice that has paid or will pay a fee for the referral unless the person making the referral discloses at the time the referral is made that the dentist or dental practice has paid or will pay a fee based on the referral;

(39) advertising that a person can receive a referral to a dentist or a dental practice without disclosing in the advertising that the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral if, in fact, the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral;

(40) violating AS 45.50.477 (a) - (c);

(41) failing to comply with AS 45.50.475;

(42) violating AS 45.35 (lease-purchase agreements);

(43) violating AS 45.25.400 - 45.25.590 (motor vehicle dealer practices);

(44) violating AS 45.66 (sale of business opportunities);

(45) violating AS 08.18.023 (b) or 08.18.152;

(46) violating AS 45.50.479 (limitations on electronic mail);

(47) violating AS 17.06.010 (sale of, or offering to sell, organic food);

(48) violating a labeling or advertising provision of AS 17.20 (Alaska Food, Drug, and Cosmetic Act);

(49) violating AS 45.45.920 (free trial period);

(50) violating AS 45.45.930 (opt-out marketing plans);

(51) violating AS 45.45.792 (deceptive acts or practices relating to spyware).

(c) The unlawful acts and practices listed in (b) of this section are in addition to and do not limit the types of unlawful acts and practices actionable at common law or under other state statutes.

(d) [Repealed, Sec. 21 ch 166 SLA 1978].

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# Technology facilitates Caller ID spoofing AP Associated Press



Rep. Tim Murphy, R-Penn., picks up his telephone handset in his office in the Cannon House Office building on Capitol Hill, Wednesday, March 1, 2006 in Washington. Last fall, Murphy's office started getting phone calls from constituents who complained about receiving recorded phone messages that bad-mouthed Murphy. The constituents were especially upset that the messages appeared to come from the congressman's own office. At least, that's what Caller ID said. In the last few years, Caller ID spoofing has become much easier. Millions of people have Internet telephone equipment that can be set to make any number appear on a Caller ID system. (AP Photo/Pablo Martinez Monsivais)

By Peter Svensson, AP Technology Writer | March 1, 2006

NEW YORK --Last fall, U.S. Rep. Tim Murphy's office started getting phone calls from constituents who complained about receiving recorded phone messages that bad-mouthed Murphy.

The constituents were especially upset that the messages appeared to come from the congressman's own office. At least, that's what Caller ID said.

"People thought we were making the calls," Murphy said.

The calls, which the Pennsylvania Republican estimated in the thousands, were apparently placed with fake Caller ID. That has been possible for a long time, but it generally required special hardware and technical savvy.

In the last few years, Caller ID spoofing has become much easier. Millions of people have Internet telephone equipment that can be set

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