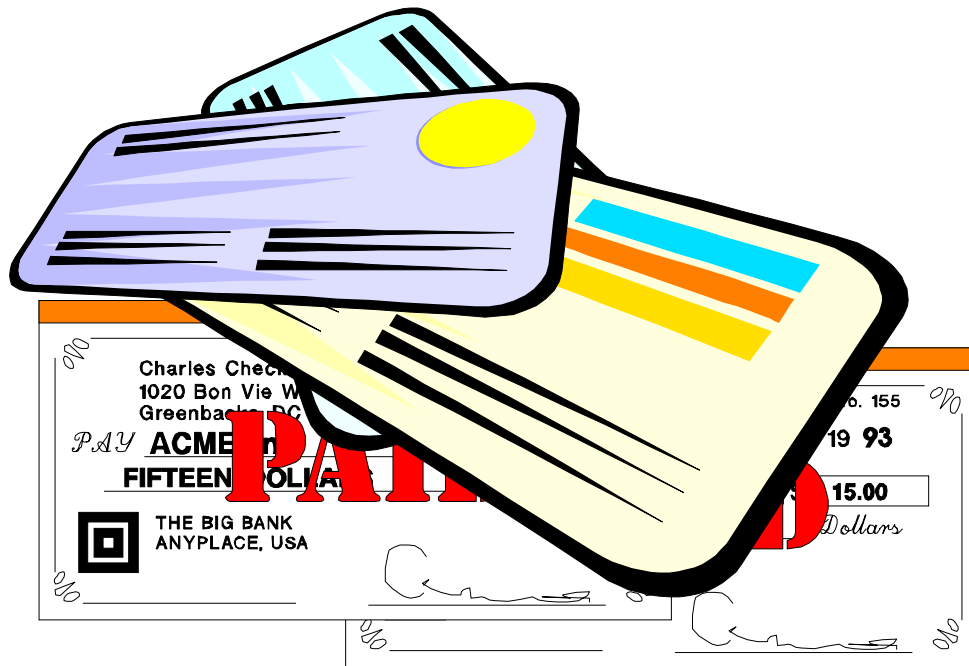




Guidelines for Actions Against the Driving Privilege Based on Fraud



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PURPOSE

This guideline contains information on actions taken against the driving privilege based on fraudulent documents submitted for legal presence, driver license applications and tests, medical reports, and alcohol program completion certificates.

AUTHORITY

Vehicle Code Sections 12809(c) and (d), and 13359 provide the department with the authority to refuse to issue or to revoke the driving privilege for fraudulent activity. To ensure issuance of licenses only to qualified applicants and to deter fraudulent activity, particularly among minors, the department will take action in fraud cases against the driving privilege of any person (minor or adult) when there is evidence of fraudulent activity.

Vehicle Code Section 13800 permits the department to conduct an investigation to determine whether the privilege of any person should be suspended or revoked, or probation imposed, upon receiving information that any grounds exist for which a license might be refused, or that the licensee has permitted unlawful or fraudulent use of a driver license. A suspension under Vehicle Code Section 13801 will be taken when a driver refuses to submit to or fails to complete a department reexamination.

Vehicle Code Section 12801.5 requires that all applicants for original driver licenses provide proof of legal presence.

DISCUSSION

The department will revoke the driving privilege of any driver involved in fraudulent driver license activity, whether or not it is related to traffic safety, if there is evidence to support a department action. Traffic safety may be directly impacted when issuance of a fraudulent license allows a driver to circumvent sanctions against the driving privilege or when a fraudulent license is secured by an unqualified person.

The department conducts an investigation and may take action against the driving privilege when information concerning fraudulent activity is received from law enforcement and other governmental agencies, health care professionals, private businesses and individuals. The department reviews photos, thumbprints, application documents, legal presence documents, and driver license exam documents for evidence of fraud.

Below is a list of fraudulent driver license activities for which action may be taken by the department:

- **Unlawful Use of License-permitted another to use (see Vehicle Code §§14610(a)(2) and 14610(a)(5))**
- **Unlawful Use of License-license not issued to subject (see Vehicle Code §14610(a)(3))**

- Unlawful Use of License-license altered or fraudulently obtained (see Vehicle Code §14610(a)(1))
- Unlawful Examination-Use of crib sheet (see Vehicle Code §14610.5(a)(1))
- Unlawful Use of License-fictitious, fraudulently altered (see Vehicle Code §§14610(a)(1), 14610(a)(7) and 4610(a)(8))
- Fraud Application-false name
- Fraud Application-tests taken by and for another (see Vehicle Code §14610.5(a)(2))
- Fraud Application-filed by other than subject
- Fraud Application-false custody statement
- Fraud Application-false application
- Fraud Application-under suspension/revocation
- Fraud Application-false name and under suspension/revocation
- Fraud Application-false name and Date Of Birth
- Fraud Document-false document submitted
- Fraudulent Legal Presence Documents
- Fraudulent Alcohol Program Completion Certificates
- Fraudulent DL 51, Medical Examination Report

TYPES OF ACTIONS:

Reexamination

If there is insufficient evidence to establish whether or not the person knowingly committed a fraudulent act, a reexamination will be scheduled to obtain the necessary information with which to make a decision. During a reexamination it should be determined whether the driver committed intentional fraud.

NOTE: Birth dates on documents from other countries may have the date before the month. Birth records in Spanish frequently show the date of birth was

registered before the date of the actual event. Hispanic men traditionally write their names with the mother's last name following the father's last name, while married women write their names with the father's last name following the husband's name. Some Asians put the family name first.

If evidence does not support an action due to a lack of documentation, and testimony obtained during the reexamination does not establish fraudulent activity, a revocation is not appropriate.

Revocation

Revocation of the driving privilege voids the person's driver license. If there is evidence of fraud sufficient to support an action, the department will revoke the driving privilege. Vehicle Code Section 12807(b) prohibits the department from issuing a license for one year following revocation or unless the cause for revocation is removed.

HEARING RIGHTS

The driver has the right to request a hearing within 10 days after receipt of the order of revocation when action is taken against the driving privilege based on evidence of fraud. Failure to respond to a notice of revocation within 10 days of receiving the notice is a waiver of the person's right to a hearing.

If the driver requests a hearing, the driver has an opportunity to rebut the department's evidence or provide new evidence to show that the action should not be sustained. The hearing decision should reflect a concern for traffic safety as well as the integrity of the department's database.