

Motor Vehicle Division Informational Memo # 20-20

2020 Legislation – Fraudulent use of DL/ID for tobacco purchase –under age 21

DATE: June 30, 2020

FROM: Kathleen Meradith-Eyers, Compliance Officer, DIS

TO: All Driver and Identification Services staff, Iowa County Treasurers and County Treasurer's staff that issue driver's licenses and non-operator's identification cards

SUBJECT

This informational memo explains legislation enacted during the 2020 legislative session which increases the age limit for smoking, using, purchasing, possessing, or being sold tobacco products from age 18 to age 21, and with respect to the MVD, increases the age at which it is illegal to use a fake driver's license or ID to obtain tobacco products from 18 years old to 21 years old.

SUMMARY

Senate File 2268 amends Iowa Code section 321.216C to make it illegal for anyone under age 21 (rather than age 18, as in current law) from using a fraudulent or fictitious driver's license or nonoperator identification card to obtain tobacco products. As under current law, a violation of this section constitutes a simple misdemeanor, and is subject to a scheduled fee of \$200. In addition, convictions result in a 30-day license suspension (SUS 143).

The bill overall increased the minimum age for smoking, using, possessing and purchasing tobacco products from age 18 to age 21. However, the impact to the MVD is specific to the conviction for using an altered or fake DL or ID to obtain tobacco products.

The legislation became effective immediately upon the Governor's signature, June 29, 2020.

LINK TO LEGISLATION

<https://www.legis.iowa.gov/docs/publications/LGI/88/SF2268.pdf>

CURRENT

Under current Iowa law, anyone under age 18 is prohibited from using an altered or fictitious driver's license or ID card to obtain tobacco products. When we receive a conviction for this offense, we will initiate a driver's license sanction (SUS 143).

NEW

The new law will now make it illegal for individuals under age 21 from using an altered or fictitious driver's license or ID card to obtain tobacco products. We will continue initiating sanctions when we receive convictions under section 321.216C for fraudulent use of a DL or ID to obtain tobacco products.

BUSINESS IMPACT

Because the age limit for this violation was raised to 21, it is possible that we may see more convictions for this offense, and thus may issue more driver's license suspensions under section 321.216C. This should not be a significant impact on our processes, however, since we already issue a driver's license sanction when we receive this type of conviction.

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers provide additional information that will be helpful to you and to customers.

WHAT TYPES OF TOBACCO PRODUCTS ARE NOW CONSIDERED ILLEGAL TO USE, POSSESS, OR PURCHASE IF UNDER AGE 21?

The new legislation specifies that individuals under age 21 cannot smoke, use, possess, purchase, attempt to purchase, or be sold tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.