

HOUSE BILL 789

R4

3lr2198
CF 3lr1227

By: **Delegates Ivey, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Braveboy, Carr, Carter, Conaway, Cullison, Davis, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Griffith, Gutierrez, Haynes, Healey, Hixson, Holmes, Howard, Hubbard, Hucker, Jones, Kaiser, A. Kelly, Kramer, Lee, Luedtke, McIntosh, A. Miller, Mitchell, Mizeur, Murphy, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Proctor, Reznik, B. Robinson, S. Robinson, Rosenberg, Stukes, Summers, Swain, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, A. Washington, M. Washington, and Zucker**

Introduced and read first time: February 6, 2013

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Lawful Status Requirement – Repeal**
3 **(Maryland Highway Safety Act of 2013)**

4 FOR the purpose of repealing a requirement that an applicant for issuance or renewal
5 of an identification card, a moped operator's permit, or a license to drive provide
6 certain evidence of the applicant's lawful status in the United States and
7 certain evidence relating to a Social Security number; repealing certain
8 provisions of law relating to the acceptability, by federal agencies for certain
9 official purposes, of an identification card, a moped operator's permit, or a
10 license to drive issued by the Motor Vehicle Administration; repealing
11 requirements that the Administration establish a certain security plan and
12 adopt certain regulations; repealing certain defined terms; providing for the
13 repeal of laws inconsistent with this Act; requiring the publishers of the
14 Annotated Code of Maryland, in consultation with and subject to the approval of
15 the Department of Legislative Services, to correct any references throughout the
16 Code that are rendered incorrect by this Act and to describe any corrections in
17 an editor's note following the section affected; and generally relating to
18 identification cards, moped operators' permits, and licenses to drive issued or
19 renewed by the Motor Vehicle Administration.

20 BY repealing

21 Article – Transportation

22 Section 11–127.1, 11–165.1, and 16–121 through 16–123

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Transportation
5 Section 12–301(a) and (i), 16–103.1, 16–104.2, 16–106, and 16–115(a)
6 Annotated Code of Maryland
7 (2012 Replacement Volume)

8 BY repealing
9 Chapter 390 of the Acts of the General Assembly of 2009
10 Section 3

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That Section(s) 11–127.1, 11–165.1, and 16–121 through 16–123 of
13 Article – Transportation of the Annotated Code of Maryland be repealed.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
15 read as follows:

16 **Article – Transportation**

17 12–301.

18 (a) On application, the Administration shall issue an identification card to
19 any applicant who:

20 (1) Is a resident of this State;

21 (2) Does not have a driver’s license;

22 (3) Presents a birth certificate or other proof of age and identity
23 acceptable to the Administration; **AND**

24 (4) [Provides satisfactory documentary evidence that the applicant
25 has lawful status;

26 (5) (i) Provides satisfactory documentary evidence that the
27 applicant has a valid Social Security number by presenting the applicant’s Social
28 Security Administration account card or, if the Social Security Administration account
29 card is not available, any of the following documents bearing the applicant’s Social
30 Security number:

31 1. A current W–2 form;

32 2. A current SSA–1099 form;

1 3. A current non-SSA-1099 form; or

2 4. A current pay stub with the applicant's name and
3 Social Security number on it; or

4 (ii) Provides satisfactory documentary evidence that the
5 applicant is not eligible for a Social Security number; and

6 (6)] Presents a completed application for an identification card on a
7 form furnished by the Administration.

8 (i) (1) [Subject to paragraph (2) of this subsection, an] AN identification
9 card issued to an applicant expires at the end of a period of not more than 8 years
10 determined in regulations adopted by the Administration.

11 (2) [(i) If an applicant has temporary lawful status, the
12 Administration may not issue an identification card to the applicant for a period that
13 extends beyond the expiration date of the applicant's authorized stay in the United
14 States or, if there is no expiration date, for a period longer than 1 year.

15 (ii) Nothing contained in this paragraph may be construed to
16 allow the issuance of an identification card for a period longer than the period
17 described in paragraph (1) of this subsection.

18 (iii) The Administration shall indicate on the face and in the
19 machine-readable zone of a temporary identification card issued under this paragraph
20 that the card is a temporary identification card.

21 (3)] An identification card may be renewed on application and payment
22 of the fee required by this section.

23 16-103.1.

24 The Administration may not issue a driver's license to an individual:

25 (1) During any period for which the individual's license to drive is
26 revoked, suspended, refused, or canceled in this or any other state, unless the
27 individual is eligible for a restricted license under § 16-113(e) of this subtitle;

28 (2) Who is an habitual drunkard, habitual user of narcotic drugs, or
29 habitual user of any other drug to a degree that renders the individual incapable of
30 safely driving a motor vehicle;

31 (3) Who previously has been adjudged to be suffering from any mental
32 disability or mental disease and who, at the time of application, has not been adjudged
33 competent;

1 (4) Who is required by this title to take an examination, unless the
2 individual has passed the examination;

3 (5) Whose driving of a motor vehicle on the highways the
4 Administration has good cause to believe would be inimical to public safety or welfare;

5 (6) Who is unable to exercise reasonable control over a motor vehicle
6 due to disease or a physical disability, including the loss of an arm or leg or both,
7 except that, if the individual passes the examination required by this title, the
8 Administration may issue the individual a restricted license requiring the individual
9 to wear a workable artificial limb or other similar body attachment;

10 (7) Who is unable to understand highway warning or direction signs
11 written in the English language;

12 (8) Who is unable to sign the individual's name for identification
13 purposes;

14 (9) Who is 70 years old or older and applying for a new license, unless
15 the applicant presents to the Administration:

16 (i) Proof of the individual's previous satisfactory operation of a
17 motor vehicle; or

18 (ii) A written certification acceptable to the Administration from
19 a licensed physician attesting to the general physical and mental qualifications of the
20 applicant; **OR**

21 (10) [Who does not provide satisfactory documentary evidence of lawful
22 status;

23 (11) Who does not provide:

24 (i) Satisfactory documentary evidence that the applicant has a
25 valid Social Security number by presenting the applicant's Social Security
26 Administration account card or, if the Social Security Administration account card is
27 not available, any of the following documents bearing the applicant's Social Security
28 number:

29 1. A current W-2 form;

30 2. A current SSA-1099 form;

31 3. A current non-SSA-1099 form; or

32 4. A current pay stub with the applicant's name and
33 Social Security number on it; or

1 (ii) Satisfactory documentary evidence that the applicant is not
2 eligible for a Social Security number; or

3 (12)] Who otherwise does not qualify for a license under this title.

4 16–104.2.

5 (a) On application, the Administration shall issue a moped operator’s permit
6 to an applicant who:

7 (1) Is 16 years of age or older; **AND**

8 (2) Does not possess a valid driver’s license issued by this State or any
9 other jurisdiction, but whose license or privilege to drive is not revoked, suspended,
10 refused, or canceled[;

11 (3) Provides satisfactory documentary evidence that the applicant has
12 lawful status; and

13 (4) (i) Provides satisfactory documentary evidence that the
14 applicant has a valid Social Security number by presenting the applicant’s Social
15 Security Administration account card or, if the Social Security Administration account
16 card is not available, any of the following documents bearing the applicant’s Social
17 Security number:

18 1. A current W–2 form;

19 2. A current SSA–1099 form;

20 3. A current non–SSA–1099 form; or

21 4. A current pay stub with the applicant’s name and
22 Social Security number on it; or

23 (ii) Provides satisfactory documentary evidence that the
24 applicant is not eligible for a Social Security number].

25 (b) An applicant is entitled to receive a moped operator’s permit if the
26 applicant:

27 (1) Passes the examination provided for in § 16–110(c)(1) of this
28 subtitle; **AND**

29 (2) Pays the fee provided for in this section[; and

1 (3) Provides the documentary evidence described in subsection (a) of
2 this section].

3 (c) Each application for a moped operator's permit shall be on a form and
4 contain the information that the Administration requires and each permit issued shall
5 be of a size, design, and content that the Administration specifies.

6 (d) (1) A permit is not valid unless the applicant signs the applicant's
7 name on it in the applicant's usual signature.

8 (2) When issued and signed, a moped operator's permit only
9 authorizes its holder to operate a moped, as defined in § 11-134.1 of this article or a
10 motor scooter, as defined in § 11-134.5 of this article.

11 (e) [(1) Subject to paragraph (2) of this subsection, a] A moped operator's
12 permit expires at the end of a period of not more than 5 years determined in
13 regulations adopted by the Administration.

14 [(2) (i) If an applicant has temporary lawful status, the
15 Administration may not issue a moped operator's permit to the applicant for a period
16 that extends beyond the expiration date of the applicant's authorized stay in the
17 United States or, if there is no expiration date, for a period longer than 1 year.

18 (ii) Nothing contained in this paragraph may be construed to
19 allow the issuance of a moped operator's permit for a period longer than the period
20 described in paragraph (1) of this subsection.

21 (iii) The Administration shall indicate on the face and in the
22 machine-readable zone of a temporary moped operator's permit issued under this
23 paragraph that the permit is a temporary moped operator's permit.

24 (3) It may be renewed on application and payment of the fee required
25 by subsection (f) of this section.]

26 (f) (1) For issuance or renewal of a moped operator's permit, an applicant
27 shall pay the Administration a fee established by the Administration.

28 (2) For issuance of a duplicate moped operator's permit, an applicant
29 shall pay the Administration a fee established by the Administration.

30 16-106.

31 (a) Each application for a driver's license shall be made on the form that the
32 Administration requires.

33 (b) The application shall state:

1 (1) The full name, Maryland residence address, race, sex, height,
2 weight, general physical condition, and date of birth of the applicant;

3 (2) Whether the applicant previously has been refused a license to
4 drive and, if so:

5 (i) By what state or country; and

6 (ii) The date of and reason for the refusal;

7 (3) Whether the applicant previously has been licensed to drive and, if
8 so:

9 (i) When and by what state or country; and

10 (ii) Whether the license ever has been suspended, revoked, or
11 canceled and, if so, the date of and reason for the suspension, revocation, or
12 cancellation;

13 (4) Subject to the provisions of subsection (c) of this section, the
14 applicant's Social Security number; and

15 (5) Any other pertinent information that the Administration requires.

16 **[(c) An applicant shall provide:**

17 (1) Satisfactory documentary evidence that the applicant has a valid
18 Social Security number by presenting the applicant's Social Security Administration
19 account card or, if the Social Security Administration account card is not available,
20 any of the following documents bearing the applicant's Social Security number:

21 (i) A current W-2 form;

22 (ii) A current SSA-1099 form;

23 (iii) A current non-SSA-1099 form; or

24 (iv) A current pay stub with the applicant's name and Social
25 Security number on it; or

26 (2) Satisfactory documentary evidence that the applicant is not
27 eligible for a Social Security number.]

28 **(C) IF AN APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER,**
29 **THE APPLICANT SHALL CERTIFY IN THE APPLICATION THAT THE APPLICANT**
30 **DOES NOT HAVE A SOCIAL SECURITY NUMBER.**

1 (d) The applicant shall sign the application and certify that the statements
2 made in it are true.

3 (e) (1) Except as otherwise provided in this subsection, an applicant for
4 an original license shall submit with the application a birth certificate or other proof of
5 age and identity that is satisfactory to the Administration.

6 (2) An individual party to an absolute divorce may elect to use a prior
7 legal or true name upon filing an affidavit or other proof, satisfactory to the
8 Administration, of:

9 (i) The prior name; and

10 (ii) The absolute divorce.

11 (3) An applicant who claims a name change by or under the common
12 law of this State or any other state shall submit with the applicant's application the
13 following:

14 (i) An affidavit of the name by which the applicant is known
15 and transacts business, as demonstrated by a Social Security card or record together
16 with documents from at least 2 of the following categories:

17 1. Tax records;

18 2. Selective Service card or records;

19 3. Voter registration card or records;

20 4. Passport;

21 5. A form of identification issued by a government unit
22 that contains a photograph of the applicant;

23 6. Baptismal certificate;

24 7. Banking records; and

25 8. Other proof of age and identity that is satisfactory to
26 the Administration;

27 (ii) Any document required under subparagraph (i) of this
28 paragraph reflecting the legal name previously given to, or used by, the applicant prior
29 to assuming the common law name;

1 (iii) Any driver's license issued to the applicant in the name
2 previously used by the applicant prior to assuming the common law name; and

3 (iv) A copy of the applicant's birth certificate or other proof of
4 age and identity that is satisfactory to the Administration.

5 [(4) An applicant shall provide satisfactory documentary evidence that
6 the applicant has lawful status.]

7 (f) If an individual previously licensed to drive in another jurisdiction
8 applies for a license, the Administration may request a copy of his driving record from
9 the other jurisdiction.

10 (g) If another licensing jurisdiction requests a driving record from the
11 Administration, the Administration may send the record to it without charge.

12 16–115.

13 (a) (1) [Subject to paragraph (5) of this subsection, a] A license issued
14 under this title to a driver at least 21 years old shall expire on the birth date of the
15 licensee at the end of a period of not more than 8 years determined in regulations
16 adopted by the Administration following the issuance of the license.

17 (2) [Subject to paragraph (5) of this subsection, a] A license issued
18 under this title to a driver under the age of 21 years shall expire not later than 60
19 days after the driver's 21st birthday.

20 (3) A license is renewable on the presentation of an application, the
21 payment of the renewal fee required by § 16–111.1 of this subtitle, and satisfactory
22 completion of the examination required or authorized by subsection (i) of this section:

23 (i) Within 6 months before its expiration; or

24 (ii) When a driver qualifies for a corrected license issued under §
25 16–114.1(c) of this subtitle.

26 (4) Except as provided in subsection (f) of this section, the
27 Administration may not renew an individual's license for more than one consecutive
28 term without requiring the individual to appear in person at an office of the
29 Administration.

30 [(5) (i) If an applicant has temporary lawful status, the
31 Administration may not issue to the applicant a license to drive for a period that
32 extends beyond the expiration date of the applicant's authorized stay in the United
33 States or, if there is no expiration date, for a period longer than 1 year.

1 (ii) Nothing contained in this paragraph may be construed to
2 allow the issuance of a temporary license to drive for a period longer than the period
3 described in this subsection.

4 (iii) The Administration shall indicate on the face and in the
5 machine-readable zone of a temporary license to drive that the license is a temporary
6 license to drive.

7 (6) A holder of a temporary license to drive who had temporary lawful
8 status at the time of the issuance of the temporary license to drive shall present
9 satisfactory documentary evidence of lawful status if the holder applies for issuance or
10 renewal of any license to drive under this subtitle.]

11 Chapter 390 of the Acts of 2009

12 [SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle
13 Administration shall adopt regulations to implement this Act, including regulations to:

14 (1) create a written, defined exceptions process, consistent with
15 regulations adopted by the Secretary of the United States Department of Homeland
16 Security, for applicants who, for reasons beyond their control, are unable to present all
17 necessary documentation and must rely on alternative documents to establish identity
18 or date of birth, however, under the regulations, alternative documents to demonstrate
19 lawful status shall only be allowed to demonstrate that the applicant is a citizen of the
20 United States; and

21 (2) implement the provisions of this Act concerning a non-match, as
22 described in this Act, of documentation provided by an applicant to the
23 Administration.]

24 SECTION 3. AND BE IT FURTHER ENACTED, That all laws or parts of laws,
25 public general or public local, inconsistent with this Act, are repealed to the extent of
26 the inconsistency.

27 SECTION 4. AND BE IT FURTHER ENACTED, That the publishers of the
28 Annotated Code of Maryland, in consultation with and subject to the approval of the
29 Department of Legislative Services, shall correct any references throughout the
30 Annotated Code that are rendered incorrect by this Act, with no further action
31 required by the General Assembly. The publishers shall adequately describe any such
32 correction in an editor's note following the section affected.

33 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2013.