

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 387
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; and strike beginning with "Lawful" in line 4 down through "Requirements" in line 5 and substitute "Proof of Lawful Presence Act of 2009".

On page 2, strike beginning with "prohibiting" in line 11 down through "Administration" in line 41 and substitute "requiring the Motor Vehicle Administration to issue an identification card or a moped operator's permit to an individual who, in addition to meeting certain other requirements, provides certain documentation verifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law and that the individual has a valid Social Security number or is not eligible for a Social Security number; prohibiting the Administration from issuing a driver's license to an individual who cannot provide certain documentation verifying that the individual is either a United States citizen or is lawfully present in the United States in accordance with federal law; providing that the effective term of an identification card, driver's license, or moped operator's permit issued to a certain individual may not exceed the time that the individual is authorized to remain in the United States in accordance with federal law; altering the expiration dates for an identification card, a moped operator's permit, and certain drivers' licenses; altering a certain provision that requires a driver's license application to include a Social Security number to apply only to an applicant who is eligible for a Social Security number; altering a certain provision relating to an applicant for a driver's license who does not have a Social Security number to require an applicant to provide certain documentation verifying that the individual has a valid Social Security number or is not eligible for a Social Security number; requiring an applicant for a driver's license to submit certain documentation with the application; altering certain requirements relating to renewal of a driver's license; clarifying language; making a stylistic change; and generally relating to the issuance of driver's

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licenses, moped operator's permits, and identification cards and proof of lawful presence in the United States".

On page 3, strike in their entirety lines 13 through 39, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–128 and 16–106(a), (d), and (e)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–301(a) and (i), 16–103.1, 16–104.2, 16–106(b) and (c), and 16–115(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 16–106(e)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

On page 4, in line 1, strike "2. AND BE IT FURTHER ENACTED," and substitute "1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND".

AMENDMENT NO. 2

On pages 4 through 21, strike in their entirety the lines beginning with line 4 on page 4 through line 30 on page 21, inclusive, and substitute:

"11–128.

“License”, as used in reference to the operation of a motor vehicle, means any:

- (1) Driver’s license; and
- (2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:
 - (i) Any temporary license;
 - (ii) A learner’s instructional permit;
 - (iii) A provisional license;
 - (iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;
 - (v) Any nonresident’s privilege to drive, as defined in this subtitle; and
 - (vi) A commercial driver’s license.

12-301.

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

- (1) Is a resident of this State;
- (2) Does not have a driver’s license;
- (3) Presents a birth certificate or other proof of age and identity acceptable to the Administration; [and]

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(4) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW;

(5) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:

(I) HAS A VALID SOCIAL SECURITY NUMBER; OR

(II) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER;

AND

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

(i) (1) [An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN identification card issued to an applicant at least 16 years old expires [every 5 years] AT THE END OF A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION, BUT NOT EXCEEDING 8 YEARS.

(2) [An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN identification card issued to an applicant under the age of 16 years expires every [2] 5 years.

(3) THE EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF

**TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES
IN ACCORDANCE WITH FEDERAL LAW.**

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

16-103.1.

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

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

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

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

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

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

(6) Who is unable to exercise reasonable control over a motor vehicle due to disease or a physical disability, including the loss of an arm or leg or both, except that, if the individual passes the examination required by this title, the

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Administration may issue the individual a restricted license requiring the individual to wear a workable artificial limb or other similar body attachment;

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

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

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

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

(ii) A written certification acceptable to the Administration from a licensed physician attesting to the general physical and mental qualifications of the applicant; [or]

(10) WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL:

(I) IS A UNITED STATES CITIZEN; OR

(II) IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; OR

(11) Who otherwise does not qualify for a license under this title.

(a) On application, the Administration shall issue a moped operator's permit to an individual:

(1) [who] WHO is 16 years of age or [older, and who] OLDER;

(2) WHO does not possess a valid driver's license issued by this State or any other jurisdiction, but whose license or privilege to drive is not revoked, suspended, refused, or canceled; AND

(3) WHO IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

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

(1) Passes the examination provided for in § 16-110(c)(1) of this subtitle; [and]

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

(3) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND

(4) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:

(I) HAS A VALID SOCIAL SECURITY NUMBER; OR

(II) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER.

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

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

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

(e) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A moped operator's permit expires [every 5 years] AT THE END OF A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION, BUT NOT EXCEEDING 8 YEARS.

(2) THE EFFECTIVE TERM OF A MOPED OPERATOR'S PERMIT ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

(3) [It] A MOPED OPERATOR'S PERMIT may be renewed on application and payment of the fee required by subsection (f) of this section.

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

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

16-106.

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

(b) The application shall state:

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

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

(i) By what state or country; and

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

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

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

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

(4) [Subject to the provisions of subsection (c) of this section] **IF AN APPLICANT IS ELIGIBLE FOR A SOCIAL SECURITY NUMBER**, the applicant's Social Security number; and

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

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(c) [(1) Subsection (b)(4) of this section applies only to an applicant who has a Social Security number.

(2) If an applicant does not have a Social Security number, the applicant shall certify in the application that the applicant does not have a Social Security number.] **THE APPLICANT SHALL PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:**

(1) HAS A VALID SOCIAL SECURITY NUMBER; OR

(2) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER.

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

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

(4) AN APPLICANT SHALL SUBMIT WITH THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

16-115.

(a) (1) **[A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee [in the fifth] IN A YEAR DETERMINED BY THE ADMINISTRATION, BUT NOT LATER THAN THE EIGHTH year following the issuance of the license.**

(2) [A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A license issued under this title to a driver under the age of 21 years shall expire NOT LATER THAN 60 days after the driver's 21st birthday.

(3) A license is renewable on the presentation of an application AND ANY OTHER DOCUMENTATION REQUIRED BY THE ADMINISTRATION, the payment of the renewal fee required by § 16-111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection (h) of this section:

(i) Within [6 months before its expiration] A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION; or

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

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

(5) THE EFFECTIVE TERM OF A DRIVER'S LICENSE ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009."