

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 698  
Judiciary

(Delegate Weir)

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Motor Vehicle Administration - Acceptable Source Documents - Valid Military  
Identification Card

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This bill requires the Motor Vehicle Administration (MVA) to accept a valid U.S. military identification card as evidence of lawful status, age, and identity for purposes of issuing an identification card, moped operator's permit, or driver's license.

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Fiscal Summary

**State Effect:** MVA can implement the bill's procedural changes with existing budgeted resources. However, a military identification card is not an acceptable source document under the federal REAL-ID Act, and as such, may jeopardize Maryland's compliance with federal law.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** In order to obtain an identification card or moped operator's permit from MVA, an applicant must provide, among other things, satisfactory documentary evidence of lawful status, and either satisfactory evidence of a valid Social Security number, or that the individual is not eligible for one. Satisfactory documentary evidence of a Social Security number may be presented by a current (1) W-2 form; (2) SSA-1099 form; (3) non-SSA-1099 form; or (4) pay stub with the applicant's name and Social Security number on it. An applicant for an identification card must also present a birth certificate or other proof of age and identity acceptable to MVA.

An application for a driver's license must state the full name, Maryland residence address, race, sex, height, weight, general physical condition, and date of birth of the applicant. In addition, an applicant must provide his or her Social Security card or a current (1) W-2 form; (2) SSA-1099 form; (3) non-SSA-1099 form; or (4) pay stub with the applicant's name and Social Security number on it. If the applicant is not eligible for a Social Security number, he or she must provide satisfactory documentary evidence of ineligibility.

"Lawful status" means, with respect to the status of an applicant for an identification card, a moped operator's permit, or a license to drive issued by MVA, that the applicant has lawful status in accordance with regulations adopted by the Secretary of the U.S. Department of Homeland Security (DHS). Federal regulations prescribe which forms of identification may be used as a "source document" for verification of lawful status of driver's license and identification card applicants. This includes documents such as a passport, certified birth certificate, or certificate of naturalization; these regulations do not consider a military identification card to be an acceptable source document.

**Background:** The federal REAL-ID Act requires federal agencies to only accept state-issued driver's licenses and personal identification cards which have met certification standards by May 11, 2011. DHS promulgated regulations clarifying the Act's provisions in mid-January 2008. The final regulations afford states the opportunity to extend the timeline to implementation, as long as 18 benchmarks were met. States had until December 1, 2009, to apply for an extension that would run through May 11, 2011, but DHS extended the application deadline indefinitely since almost all of the states were unable to complete the benchmarks. While the application deadline was being extended, MVA submitted its material compliance checklist in November 2009 and had achieved every benchmark but one. Since that time, MVA has updated its material compliance status, and Maryland is 1 of only 11 states to have fully completed the material compliance checklist.

Even so, by May 11, 2011, states will need to be determined to be fully compliant with REAL-ID. This will involve a statement indicating that compliance has been reached from the state, a letter from the state Attorney General confirming the state has the legal authority to impose the requirements necessary to meet the standards established, a description of the state's exception and waiver process, and the state's security plan.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Transportation, U.S. Department of Homeland Security, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2011  
ncs/ljm

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