

Chapter 309

(Senate Bill 715)

AN ACT concerning

Maryland Highway Safety Act of 2013

FOR the purpose of authorizing the issuance, to new applicants, of identification cards, moped operators' permits, and drivers' licenses that are not acceptable by federal agencies for certain official purposes; requiring a certain applicant for an identification card, a moped operator's permit, or a driver's license to provide certain evidence that the applicant has filed certain Maryland income tax returns or has resided in Maryland for a certain period of time and been claimed as a dependent on certain Maryland income tax returns; repealing a provision of law that prohibits, after a certain date, the issuance or renewal of identification cards, moped operators' permits, and drivers' licenses that are not acceptable by federal agencies for certain official purposes; requiring that certain identification cards, moped operators' permits, and drivers' licenses include a certain statement; repealing a requirement that certain identification cards, moped operators' permits, and drivers' licenses that are not acceptable by federal agencies for certain official purposes expire by a certain date; providing for a delayed effective date; and generally relating to the issuance of identification cards, moped operators' permits, and drivers' licenses that are not acceptable by federal agencies for certain official purposes.

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 16–122
 Annotated Code of Maryland
 (2012 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

16–122.

(a) (1) Notwithstanding any other provision of this article, the Administration shall, subject to the provisions of this section, issue or renew an identification card, a moped operator's permit, or a license to drive that is not acceptable by federal agencies for official purposes determined by the Secretary of the United States Department of Homeland Security if an applicant:

(i) 1. Has an unresolved non-match described under § 16-121 of this subtitle;

2. Meets the requirements concerning the non-match contained in regulations adopted by the Administration that are consistent with regulations adopted by the Secretary of the United States Department of Homeland Security; and

3. Would be otherwise eligible under this article for the issuance or renewal of an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive under this title, but for the unresolved non-match; or

(ii) 1. [Was the holder of an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive under this subtitle issued or renewed by the Administration before April 19, 2009;

2.] Does not provide satisfactory documentary evidence that the applicant has lawful status or a valid Social Security number;

[3.] 2. Certifies that the applicant does not have a Social Security number; ~~and~~

[4.] 3. **IN THE CASE OF AN APPLICANT WHO IS NOT A CURRENT HOLDER OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE ISSUED UNDER THIS SUBTITLE, PROVIDES DOCUMENTARY EVIDENCE THAT THE APPLICANT, FOR EACH OF THE PRECEDING 2 YEARS, HAS:**

A. FILED A MARYLAND INCOME TAX RETURN; OR

B. RESIDED IN MARYLAND AND BEEN CLAIMED AS A DEPENDENT BY AN INDIVIDUAL WHO HAS FILED A MARYLAND INCOME TAX RETURN; AND

4. Would be otherwise eligible for issuance or renewal of an identification card under § 12-301 of this article, a moped operator's permit under § 16-104.2 of this subtitle, or a license to drive issued under this subtitle, but for the absence of documentary evidence described in item [2] 1 of this item.

(2) [The Administration may not issue or renew an identification card, moped operator's permit, or license to drive under paragraph (1)(ii) of this subsection on or after July 1, 2015.

(3) An identification card, moped operator's permit, or license to drive issued or renewed under paragraph (1)(ii) of this subsection on or after July 1, 2010, shall expire on July 1, 2015.

(4)] This subsection does not apply to any provision of law applicable to the issuance or renewal of a commercial driver's license under this title.

(3) AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE THAT IS ISSUED UNDER THIS SUBSECTION SHALL INCLUDE A STATEMENT THAT THE DOCUMENT MAY NOT BE USED TO PURCHASE A FIREARM.

(b) The Administration may require that an application for issuance or renewal of an identification card, a moped operator's permit, or a license to drive under this section be made in person.

(c) A person may not be a holder of an identification card, a moped operator's permit, or a license to drive issued or renewed under this section if the person is the holder of any other identification card, moped operator's permit, or license to drive issued or renewed under this section or any other section of this article.

(d) Each identification card, moped operator's permit, and license to drive issued or renewed in accordance with this section shall:

(1) Clearly state on its face and in its machine-readable zone that it is not acceptable by federal agencies for official purposes;

(2) Have a unique design or color indicator that clearly distinguishes it from the design or color of an identification card under § 12-301 of this article, a moped operator's permit under § 16-115 of this subtitle, or any license to drive under any other section of this subtitle; and

(3) Be of the size and design that the Administration requires, tamperproof, to the extent possible, and contain:

(i) The name and address of the applicant;

(ii) The birth date of the applicant;

(iii) The gender of the applicant;

(iv) A description of the applicant;

(v) A color photograph of the applicant taken by the procedure that the Administration requires;

(vi) The expiration date of the identification card, moped operator's permit, or license to drive;

(vii) The signature of the applicant; and

(viii) The signature and seal of the issuing agent.

(e) An identification card, a moped operator's permit, or a license to drive issued or renewed under this section shall expire at the end of a period that is equivalent to the expiration period applicable for an identification card under § 12–301 of this article, a moped operator's permit under § 16–115 of this subtitle, or a license to drive under this subtitle.

(f) Except as otherwise expressly provided by law, an identification card, a moped operator's permit, or a license to drive issued under this section may be used for any purpose as legal identification of the holder to whom the identification card, moped operator's permit, or license to drive is issued.

(g) The Administration may establish a fee for the issuance or renewal of an identification card, a moped operator's permit, or a license to drive issued or renewed under this section.

(h) Except as expressly provided in this section, this section does not limit the application of any other provision of this article to an identification card, a moped operator's permit, or a license to drive issued under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2013~~ January 1, 2014.

Approved by the Governor, May 2, 2013.