

HOUSE BILL 514

M2, D4
HB 1479/12 – ENV

3lr1799

By: ~~Delegate O'Donnell~~ **Delegates O'Donnell and Glass**

Introduced and read first time: January 30, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2013

CHAPTER _____

1 AN ACT concerning

2 ~~**Hunting, Fishing, and Boat Manufacturer's or Dealer's**~~ **Recreational Hunting**
3 **or Fishing License Applications – Disclosure of Information**

4 FOR the purpose of establishing that the Department of Natural Resources may
5 require an applicant to provide only certain information on an application for a
6 ~~hunting, fishing, or boat manufacturer's or dealer's~~ recreational hunting or
7 fishing license; exempting ~~hunting, fishing, or boat manufacturer's or dealer's~~
8 recreational hunting or fishing license applications from the requirements that
9 a licensing authority require a license applicant to disclose the full Social
10 Security number of the applicant and record the Social Security number on the
11 application; altering the information that a request for information from a
12 ~~hunting, fishing, or boat manufacturer's or dealer's~~ recreational hunting or
13 fishing license application made by the Child Support Enforcement
14 Administration of the Department of Human Resources to the Department of
15 Natural Resources is required to contain; altering the information from a
16 ~~hunting, fishing, or boat manufacturer's or dealer's~~ recreational hunting or
17 fishing license application that the Department of Natural Resources is
18 required to submit to the Child Support Enforcement Administration after
19 receiving a request for information; making certain stylistic changes; and
20 generally relating to information required to be disclosed to or by the
21 Department of Natural Resources on or from a ~~hunting, fishing, or boat~~
22 ~~manufacturer's or dealer's~~ recreational hunting or fishing license application.

23 BY repealing and reenacting, with amendments,
24 Article – Family Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 10–119.3
 2 Annotated Code of Maryland
 3 (2012 Replacement Volume)

4 BY repealing and reenacting, without amendments,
 5 Article – Natural Resources
 6 Section ~~4–202, 8–702, and 8–710(a)~~
 7 Annotated Code of Maryland
 8 (2012 Replacement Volume)

9 BY repealing and reenacting, with amendments,
 10 Article – Natural Resources
 11 Section ~~4–205(l), 4–604(d) and (e), 4–704(a), 8–710(e)~~, and 10–301(d) and (e)
 12 Annotated Code of Maryland
 13 (2012 Replacement Volume)

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

16 **Article – Family Law**

17 10–119.3.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “License” means any license, certificate, registration, permit, or
 20 other authorization that:

21 (i) is issued by a licensing authority;

22 (ii) is subject to suspension, revocation, forfeiture, or
 23 termination by a licensing authority; and

24 (iii) is necessary for an individual to practice or engage in a
 25 particular business, occupation, or profession.

26 (3) (i) “Licensing authority” means a department, unit of a
 27 department, commission, board, office, or court of the State.

28 (ii) “Licensing authority” includes:

29 1. the Department of Labor, Licensing, and Regulation;

30 2. the Department of Health and Mental Hygiene;

31 3. the Department of Human Resources;

- 1 4. the Department of Transportation;
- 2 5. the Department of the Environment;
- 3 6. the Comptroller of the Treasury;
- 4 7. the Department of Agriculture;
- 5 8. the Maryland Insurance Administration;
- 6 9. the Public Service Commission;
- 7 10. the Secretary of State;
- 8 11. the State Department of Education;
- 9 12. the Department of Natural Resources;
- 10 13. the Office of the Attorney General;
- 11 14. the clerks of the court that are authorized to issue a
12 license or certificate for professional services or recreational uses; and
- 13 15. the Court of Appeals.

14 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
15 SUBSECTION, A licensing authority shall:

16 [(1)] (I) require each applicant for a license to disclose the Social
17 Security number of the applicant; and

18 [(2)] (II) record the applicant's Social Security number on the
19 application.

20 (2) THE DEPARTMENT OF NATURAL RESOURCES SHALL:

21 (I) REQUIRE AN APPLICANT FOR A ~~HUNTING, FISHING, OR~~
22 ~~BOAT MANUFACTURER'S OR DEALER'S RECREATIONAL HUNTING OR FISHING~~
23 LICENSE TO DISCLOSE ONLY THE LAST FOUR DIGITS OF THE SOCIAL SECURITY
24 NUMBER OF THE APPLICANT; AND

25 (II) RECORD THE APPLICANT'S PARTIAL SOCIAL SECURITY
26 NUMBER ON THE APPLICATION.

1 (c) (1) To carry out its responsibility under State and federal law, the
2 Administration may request from a licensing authority information concerning any
3 obligor in arrears in paying child support through a support enforcement agency.

4 (2) A request for information by the Administration under paragraph
5 (1) of this subsection:

6 (i) shall contain:

7 1. the full name of the obligor; and

8 2. the Social Security number **OR, AS APPROPRIATE,**
9 **THE PARTIAL SOCIAL SECURITY NUMBER** of the obligor; and

10 (ii) may be transmitted to a licensing authority using an
11 electronic format.

12 (3) A request for information may not be made by the Administration
13 to a licensing authority more frequently than four times in each calendar year except
14 with respect to an obligor whom the Administration has reason to believe is licensed
15 by, or has applied for a license from, the licensing authority.

16 (4) In addition to requests for information under this subsection, the
17 Administration may request a licensing authority to periodically share its licensing
18 database with the Administration.

19 (d) (1) Upon receipt of a request for information under subsection (c) of
20 this section, a licensing authority shall submit the following information to the
21 Administration with respect to each obligor who is licensed by, or has applied for a
22 license from, the licensing authority:

23 (i) the full name of the obligor;

24 (ii) the address of the obligor, if known;

25 (iii) the Social Security number **OR, AS APPROPRIATE, THE**
26 **PARTIAL SOCIAL SECURITY NUMBER** of the obligor, if known; and

27 (iv) a description of the license held by the obligor.

28 (2) The information may be transmitted to the Administration in an
29 electronic format.

30 (3) Except as otherwise provided by law, any record compiled under
31 this subsection shall be made available only to a person who has a right to the record
32 in an official capacity.

1 (e) (1) Except as provided in paragraph (3) of this subsection and subject
2 to the provisions of subsection (f) of this section, the Administration may request a
3 licensing authority to suspend or deny an individual's license if:

4 (i) 1. the individual is in arrears amounting to more than
5 120 days under the most recent order; and

6 2. A. the Administration has accepted an assignment
7 of support under § 5-312(b)(2) of the Human Services Article; or

8 B. the recipient of support payments has filed an
9 application for support enforcement services with the Administration; or

10 (ii) the individual has failed to comply with a subpoena issued
11 by the Administration under § 10-108.6 of this subtitle.

12 (2) Except as provided in paragraph (3) of this subsection, upon
13 notification by the Administration under this section, a licensing authority shall:

14 (i) suspend an individual's license; or

15 (ii) deny the license of an individual who is an applicant for a
16 license from the licensing authority.

17 (3) (i) This paragraph applies if the licensing authority is the
18 Court of Appeals.

19 (ii) If an individual meets the criteria specified in paragraph (1)
20 of this subsection, the Administration may make a referral to the Attorney Grievance
21 Commission for proceedings in accordance with the Maryland Rules governing
22 attorney discipline.

23 (iii) On recommendation of the Attorney Grievance Commission,
24 the Court of Appeals may suspend an individual's license or take other action against
25 the individual as authorized by the Maryland Rules governing attorney discipline.

26 (iv) The Court of Appeals may adopt rules to implement the
27 provisions of this paragraph.

28 (f) (1) At least 30 days before requesting a licensing authority to suspend
29 or deny a license or at least 30 days before making a referral under subsection (e)(3) of
30 this section, the Administration shall:

31 (i) send written notice of the proposed action to the individual
32 whose license is subject to suspension under this section, including notice of the
33 individual's right to request an investigation; and

1 (ii) give the individual a reasonable opportunity to contest the
2 accuracy of the information.

3 (2) (i) Upon receipt of a request for investigation from an
4 individual whose license is subject to suspension, the Administration shall conduct an
5 investigation.

6 (ii) Upon completion of the investigation, the Administration
7 shall notify the individual of the result of the investigation and the individual's right
8 to appeal to the Office of Administrative Hearings.

9 (3) (i) An appeal under this section shall be conducted in
10 accordance with Title 10, Subtitle 2 of the State Government Article.

11 (ii) An appeal shall be made in writing and shall be received by
12 the Office of Administrative Hearings within 30 days after the notice to the individual
13 whose license is subject to suspension of the results of the investigation.

14 (4) If, after the investigation or appeal to the Office of Administrative
15 Hearings, the Administration finds that it erred in making a decision, the
16 Administration may not send a notification about an individual to a licensing
17 authority or make a referral under subsection (e)(3) of this section.

18 (g) The Administration may not send a notification about an individual to a
19 licensing authority or make a referral under subsection (e)(3) of this section if:

20 (1) with respect to an individual with a child support arrearage:

21 (i) the Administration reaches an agreement with the
22 individual regarding a scheduled payment of the child support arrearage or a court
23 issues an order for a scheduled payment of the child support arrearage; and

24 (ii) the individual is complying with the agreement or court
25 order; or

26 (2) with respect to an individual who failed to comply with a subpoena
27 issued under § 10-108.5 of this subtitle, the individual has complied with the
28 subpoena.

29 (h) (1) Except as provided in paragraph (2) of this subsection, prior to the
30 suspension or denial of a license under subsection (e) of this section, a licensing
31 authority shall send written notice of the proposed action to the individual whose
32 license is subject to suspension or denial, including notice of the individual's right to
33 contest the identity of the individual whose license or application is to be suspended or
34 denied.

1 (2) If the licensing authority is the Court of Appeals, notice shall be as
2 provided in the Maryland Rules governing attorney discipline.

3 (i) (1) (i) Except as provided in paragraph (2) of this subsection, an
4 individual may appeal a decision of a licensing authority to suspend or deny the
5 individual's license in accordance with Title 10, Subtitle 2 of the State Government
6 Article.

7 (ii) At a hearing under this paragraph, the issue shall be limited
8 to whether the Administration has mistaken the identity of the individual whose
9 license has been suspended or denied.

10 (2) If the licensing authority is the Court of Appeals, an individual
11 may appeal a decision in accordance with the Maryland Rules governing attorney
12 discipline.

13 (j) The Administration shall notify the licensing authority to reinstate any
14 license suspended or denied under this section within 10 days after the occurrence of
15 any of the following events:

16 (1) the Administration receives a court order to reinstate the
17 suspended license; or

18 (2) with respect to an individual with a child support arrearage, the
19 individual has:

20 (i) paid the support arrearage in full; or

21 (ii) demonstrated good faith by paying the ordered amount of
22 support for 4 consecutive months; or

23 (3) with respect to an individual whose license was suspended or
24 denied because of a failure to comply with a subpoena issued under § 10-108.5 of this
25 subtitle, the individual has complied with the subpoena.

26 (k) A licensing authority shall immediately reinstate any license suspended,
27 or process an application for any license denied, under this section if:

28 (1) notified by the Administration that the license should be
29 reinstated; and

30 (2) the individual otherwise qualifies for the license.

31 **Article – Natural Resources**

32 4-202.

1 The Secretary is responsible for conservation management of the fish, fisheries,
2 fish resources and aquatic life within the State.

3 4-205.

4 (l) (1) The Department [shall] MAY require an applicant for any
5 recreational license under this title to provide [the applicant's] ONLY:

6 (I) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE
7 APPLICANT;

8 (II) THE DATE OF BIRTH OF THE APPLICANT; AND

9 (III) THE LAST FOUR DIGITS OF THE Social Security number
10 OF THE APPLICANT, if the applicant has a Social Security number.

11 (2) Except as provided in § 10-617 of the State Government Article,
12 the PARTIAL Social Security number of an applicant may not be disclosed as part of
13 the public record of the application.

14 4-604.

15 (d) (1) A person may apply for an angler's license to any person
16 designated by the Department.

17 (2) The application shall be on a form the Department prepares and
18 supplies.

19 (3) The applicant shall fill out, sign and submit the application to the
20 person designated to issue an angler's license.

21 (4) A person may apply by mail.

22 (e) An applicant for a license issued under this section [shall] MAY BE
23 REQUIRED TO provide [all the information requested by the Department] on forms
24 issued by the Department ONLY:

25 (1) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE
26 APPLICANT;

27 (2) THE DATE OF BIRTH OF THE APPLICANT; AND

28 (3) THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER
29 OF THE APPLICANT.

1 ~~4-704.~~

2 (a) ~~An applicant for a license to catch finfish [shall] MAY BE REQUIRED TO~~
3 ~~furnish [information the Department requires] TO THE DEPARTMENT ONLY:~~

4 (1) ~~THE FULL FIRST, MIDDLE, AND LAST NAME OF THE~~
5 ~~APPLICANT;~~

6 (2) ~~THE DATE OF BIRTH OF THE APPLICANT; AND~~

7 (3) ~~THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER~~
8 ~~OF THE APPLICANT.~~

9 ~~8-702.~~

10 ~~It is the intent of this subtitle to foster the development, use, and enjoyment of~~
11 ~~all the waters of Maryland. The State shall cooperate to the fullest possible extent~~
12 ~~with neighboring states and the federal government in connection with assistance and~~
13 ~~rescue operations and in enforcement of laws and regulations relating to recreational~~
14 ~~boating safety.~~

15 ~~8-710.~~

16 (a) ~~A manufacturer or dealer may not conduct his business in the State~~
17 ~~unless licensed as a manufacturer or dealer pursuant to regulations the Department~~
18 ~~adopts.~~

19 (c) (1) ~~Application for a manufacturer's or dealer's license is made on the~~
20 ~~form the Department prescribes and contains the name and address of the applicant.~~

21 (2) ~~If the applicant is a partnership, the application shall include the~~
22 ~~name and address of each partner.~~

23 (3) ~~If the applicant is a corporation, the application shall contain the~~
24 ~~names of the principal officers of the corporation, the state of incorporation, the~~
25 ~~addresses of every place where the business is conducted, the nature of the business,~~
26 ~~and any other information the Department requires.~~

27 (4) ~~Every application shall be verified by oath or affirmation of the~~
28 ~~applicant if an individual, or by the partner or officer if the applicant is a partnership~~
29 ~~or corporation.~~

30 (5) ~~THE DEPARTMENT MAY REQUIRE ONLY THE LAST FOUR~~
31 ~~DIGITS OF A SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER ON AN~~
32 ~~APPLICATION.~~

1 ~~(6) A license fee fixed by the Department not to exceed \$25 shall~~
2 ~~accompany every application.~~

3 10-301.

4 (d) **(1)** A person may apply for a hunter's license to any person designated
5 by the Department.

6 **(2)** The application shall be on a form the Department prepares and
7 supplies.

8 **(3)** The applicant shall fill out, sign, and submit the application to the
9 person designated to issue the hunter's license.

10 **(4)** A person may apply by mail.

11 (e) **(1)** The application [shall] **MAY BE REQUIRED TO** contain [the
12 applicant's name, height, color of eyes and hair, occupation, place of residence, and
13 Social Security number] **ONLY:**

14 **(I) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
15 **APPLICANT;**

16 **(II) THE DATE OF BIRTH OF THE APPLICANT; AND**

17 **(III) THE LAST FOUR DIGITS OF THE SOCIAL SECURITY**
18 **NUMBER OF THE APPLICANT.**

19 **(2)** If the applicant is a nonresident, the applicant also shall present
20 the applicant's driver's license, voter's card, or resident hunter's license.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2013.