

# HOUSE BILL 789

R4

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CF 3lr1227

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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

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## 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

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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.