

SENATE BILL 650

M2, D4

3lr1754

By: **Senators Getty and Edwards**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Hunting License Applications – Social Security Number**

3 FOR the purpose of creating for hunting licenses issued by the Department of Natural
4 Resources an exception to the requirement that a licensing authority require a
5 license applicant to disclose the Social Security number of the applicant and
6 record the Social Security number on the application; altering the information
7 that a request for information from a hunting license application made by the
8 Child Support Enforcement Administration is required to contain under certain
9 circumstances; repealing provisions of law requiring an applicant for hunting
10 licenses to provide the Social Security number of the applicant and prohibiting
11 the Department of Natural Resources from requiring an applicant for a hunting
12 license to provide the Social Security number of the applicant; and generally
13 relating to information required to be disclosed on an application for a hunting
14 license issued by the Department of Natural Resources.

15 BY repealing and reenacting, with amendments,

16 Article – Family Law
17 Section 10–119.3
18 Annotated Code of Maryland
19 (2012 Replacement Volume)

20 BY repealing and reenacting, without amendments,

21 Article – Natural Resources
22 Section 10–301(d)
23 Annotated Code of Maryland
24 (2012 Replacement Volume)

25 BY repealing and reenacting, with amendments,

26 Article – Natural Resources
27 Section 10–301(e)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume)

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

4 **Article – Family Law**

5 10–119.3.

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

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

9 (i) is issued by a licensing authority;

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

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

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

16 (ii) “Licensing authority” includes:

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

18 2. the Department of Health and Mental Hygiene;

19 3. the Department of Human Resources;

20 4. the Department of Transportation;

21 5. the Department of the Environment;

22 6. the Comptroller of the Treasury;

23 7. the Department of Agriculture;

24 8. the Maryland Insurance Administration;

25 9. the Public Service Commission;

26 10. the Secretary of State;

- 1 11. the State Department of Education;
- 2 12. the Department of Natural Resources;
- 3 13. the Office of the Attorney General;
- 4 14. the clerks of the court that are authorized to issue a
5 license or certificate for professional services or recreational uses; and
- 6 15. the Court of Appeals.

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

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

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

13 (2) THE DEPARTMENT OF NATURAL RESOURCES MAY NOT
14 REQUIRE AN APPLICANT FOR A HUNTING LICENSE TO DISCLOSE THE SOCIAL
15 SECURITY NUMBER OF THE APPLICANT.

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

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

21 (i) shall contain:

22 1. the full name of the obligor; and

23 2. the Social Security number of the obligor **IF**
24 **REQUIRED ON THE RELEVANT LICENSE APPLICATION**; and

25 (ii) may be transmitted to a licensing authority using an
26 electronic format.

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

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

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

8 (i) the full name of the obligor;

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

10 (iii) the Social Security number of the obligor, if known; and

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

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

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

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

20 (i) 1. the individual is in arrears amounting to more than
21 120 days under the most recent order; and

22 2. A. the Administration has accepted an assignment
23 of support under § 5–312(b)(2) of the Human Services Article; or

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

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

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

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

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

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

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

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

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

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

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

18 (ii) give the individual a reasonable opportunity to contest the
19 accuracy of the information.

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

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

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

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

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

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

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

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

7 (ii) the individual is complying with the agreement or court
8 order; or

9 (2) with respect to an individual who failed to comply with a subpoena
10 issued under § 10–108.5 of this subtitle, the individual has complied with the
11 subpoena.

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

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

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

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

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

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

33 (1) the Administration receives a court order to reinstate the
34 suspended license; or

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

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

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

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

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

11 (1) notified by the Administration that the license should be
12 reinstated; and

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

14 Article – Natural Resources

15 10–301.

16 (d) A person may apply for a hunter’s license to any person designated by the
17 Department. The application shall be on a form the Department prepares and
18 supplies. The applicant shall fill out, sign, and submit the application to the person
19 designated to issue the hunter’s license. A person may apply by mail.

20 (e) The application shall contain the applicant’s name, height, color of eyes
21 and hair, occupation, AND place of residence[, and Social Security number]. **THE**
22 **DEPARTMENT MAY NOT REQUIRE AN APPLICANT FOR A HUNTING LICENSE TO**
23 **PROVIDE THE SOCIAL SECURITY NUMBER OF THE APPLICANT.** If the applicant is
24 a nonresident, the applicant also shall present the applicant’s driver’s license, voter’s
25 card, or resident hunter’s license.

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