

Chapter 448

(House Bill 1174)

AN ACT concerning

Recreational Hunting or Fishing Licenses – Denial, Suspension, and Required Disclosure

FOR the purpose of altering a certain definition to establish that certain provisions of law governing the denial or suspension of licenses for failure to pay child support apply to recreational hunting and fishing licenses; requiring the Department of Natural Resources to require an applicant to provide under certain circumstances only certain information related to the applicant's Social Security number on an application for a recreational hunting or fishing license; requiring the Department to record certain information on the application; exempting recreational hunting and fishing license applications from the requirements that a licensing authority require a license applicant to disclose the full Social Security number and record the Social Security number on the application; altering the information that a request for information from a recreational hunting or fishing license application made by the Child Support Enforcement Administration of the Department of Human Resources to the Department of Natural Resources is required to contain; altering the information from a recreational hunting or fishing license application that the Department of Natural Resources is required to submit to the Child Support Enforcement Administration after receiving a request for information; repealing the requirement that an application for a hunting license contain the occupation of the applicant; making certain stylistic changes; making certain provisions of this Act subject to a certain contingency; and generally relating to information required to be disclosed to or by the Department of Natural Resources on or from a recreational hunting or fishing license application.

BY repealing and reenacting, without amendments,

Article – Family Law

Section 10–119.3(a)(1)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law

Section 10–119.3(a)(2)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law
 Section 10–119.3
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)
 (As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
 Article – Natural Resources
 Section 4–202
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
 Article – Natural Resources
 Section 4–205(l), 4–604(d) and (e), and 10–301(d) and (e)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2013 Supplement)

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

Article – Family Law

10–119.3.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “License” means any license, certificate, registration, permit, or other authorization that:
- (i) is issued by a licensing authority;
 - (ii) is subject to suspension, revocation, forfeiture, or termination by a licensing authority; and
 - (iii) is necessary for an individual to practice or engage in:
 1. a particular business, occupation, or profession; **OR**
 2. **RECREATIONAL HUNTING OR FISHING.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Family Law

10-119.3.

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

(2) "License" means any license, certificate, registration, permit, or other authorization that:

(i) is issued by a licensing authority;

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

(iii) is necessary for an individual to practice or engage in:

1. a particular business, occupation, or profession; or

2. recreational hunting or fishing.

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

(ii) "Licensing authority" includes:

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

2. the Department of Health and Mental Hygiene;

3. the Department of Human Resources;

4. the Department of Transportation;

5. the Department of the Environment;

6. the Comptroller of the Treasury;

7. the Department of Agriculture;

8. the Maryland Insurance Administration;

9. the Public Service Commission;

10. the Secretary of State;

11. the State Department of Education;

12. the Department of Natural Resources;

13. the Office of the Attorney General;
14. the clerks of the court that are authorized to issue a license or certificate for professional services or recreational uses; and
15. the Court of Appeals.

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

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

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

(2) THE DEPARTMENT OF NATURAL RESOURCES SHALL:

(I) REQUIRE AN APPLICANT FOR A RECREATIONAL HUNTING OR FISHING LICENSE TO DISCLOSE ONLY THE LAST FOUR DIGITS OF THE SOCIAL SECURITY NUMBER OF THE APPLICANT INSTEAD OF THE FULL SOCIAL SECURITY NUMBER; AND

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

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

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

(i) shall contain:

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

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

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

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

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

(i) the full name of the obligor;

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

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

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

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

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

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

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

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

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

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

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

(i) suspend an individual's license; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) paid the support arrearage in full; or

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

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

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

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

(2) the individual otherwise qualifies for the license.

Article – Natural Resources

4–202.

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

4–205.

(1) (1) The Department shall require an applicant for any recreational license under this title to provide the **LAST FOUR DIGITS OF THE** applicant's Social Security number, if the applicant has a Social Security number.

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

4–604.

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

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

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

(4) A person may apply by mail.

(e) (1) An applicant for a license issued under this section shall provide all the information requested by the Department on forms issued by the Department.

(2) **THE DEPARTMENT SHALL REQUIRE AN APPLICANT FOR A LICENSE UNDER THIS SECTION TO PROVIDE THE LAST FOUR DIGITS OF THE APPLICANT'S SOCIAL SECURITY NUMBER, IF THE APPLICANT HAS A SOCIAL SECURITY NUMBER.**

10–301.

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

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

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

(4) A person may apply by mail.

(e) (1) The application shall contain the applicant's name, height, color of eyes and hair, [occupation,] place of residence, and **THE LAST FOUR DIGITS OF THE APPLICANT'S Social Security number, IF THE APPLICANT HAS A SOCIAL SECURITY NUMBER.**

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

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2014, the Maryland Department of Human Resources shall request an exemption from the federal Department of Health and Human Services, Administration for Children and Families that would allow the State to collect only the last four digits of a recreational hunting or fishing license applicant's Social Security number, instead of the whole Social Security number, on the license application.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect contingent on the receipt by the Department of Human Resources of correspondence from the federal Department of Health and Human Services, Administration for Children and Families granting an exemption that would allow the State to collect only the last four digits of a recreational hunting or fishing license applicant's Social Security number, instead of the whole Social Security number, on the license application. If correspondence granting the exemption is received on or before July 1, 2015, Section 2 of this Act shall take effect on the date notice of the correspondence is received by the Department of Legislative Services in accordance with this section. If the Department of Human Resources does not receive correspondence granting the exemption on or before July 1, 2015, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void and of no further force and effect. The Department of Human Resources, within 5 days after receiving the correspondence granting or denying the exemption from the Department of Health and Human Services, Administration for Children and Families, shall forward a copy of the correspondence to the Department of Legislative Services, 90 State Circle, Annapolis, Md. 21401.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect June 1, 2014.

Approved by the Governor, May 5, 2014.