

HOUSE BILL 1174

M2, D4

4lr2854

By: **Delegate Dumais**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

26 BY repealing and reenacting, without amendments,
27 Article – Family Law
28 Section 10–119.3(a)(1)
29 Annotated Code of Maryland
30 (2012 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – Family Law
 3 Section 10–119.3(a)(2)
 4 Annotated Code of Maryland
 5 (2012 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – Family Law
 8 Section 10–119.3
 9 Annotated Code of Maryland
 10 (2012 Replacement Volume and 2013 Supplement)
 11 (As enacted by Section 1 of this Act)

12 BY repealing and reenacting, without amendments,
 13 Article – Natural Resources
 14 Section 4–202
 15 Annotated Code of Maryland
 16 (2012 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, with amendments,
 18 Article – Natural Resources
 19 Section 4–205(l), 4–604(d) and (e), and 10–301(d) and (e)
 20 Annotated Code of Maryland
 21 (2012 Replacement Volume and 2013 Supplement)

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

24 **Article – Family Law**

25 10–119.3.

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

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

29 (i) is issued by a licensing authority;

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

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

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

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

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

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

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

14 (2) **THE DEPARTMENT OF NATURAL RESOURCES SHALL:**

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

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

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

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

26 (i) shall contain:

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

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

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

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

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

14 (i) the full name of the obligor;

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

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

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

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

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

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

27 (i) 1. the individual is in arrears amounting to more than
28 120 days under the most recent order; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 4-604.

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

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

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

8 (4) A person may apply by mail.

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

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

15 10-301.

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

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

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

22 (4) A person may apply by mail.

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

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1,
30 2014, the Maryland Department of Human Resources shall request an exemption from

1 the federal Department of Health and Human Services, Administration for Children
2 and Families that would allow the State to collect only the last four digits of a
3 recreational hunting or fishing license applicant's Social Security number, instead of
4 the whole Social Security number, on the license application.

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

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