

# HOUSE BILL 1174

M2, D4

4lr2854

---

By: **Delegate Dumais**

Introduced and read first time: February 7, 2014

Assigned to: Environmental Matters

---

Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2014

---

## CHAPTER \_\_\_\_\_

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.

---

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 BY repealing and reenacting, without amendments,  
2 Article – Family Law  
3 Section 10–119.3(a)(1)  
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(a)(2)  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Family Law  
13 Section 10–119.3  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2013 Supplement)  
16 (As enacted by Section 1 of this Act)

17 BY repealing and reenacting, without amendments,  
18 Article – Natural Resources  
19 Section 4–202  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2013 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Natural Resources  
24 Section 4–205(l), 4–604(d) and (e), and 10–301(d) and (e)  
25 Annotated Code of Maryland  
26 (2012 Replacement Volume and 2013 Supplement)

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

29 **Article – Family Law**

30 10–119.3.

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

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

34 (i) is issued by a licensing authority;

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

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

4 1. a particular business, occupation, or profession; **OR**

5 2. **RECREATIONAL HUNTING OR FISHING.**

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

8 **Article – Family Law**

9 10–119.3.

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

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

13 (i) is issued by a licensing authority;

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

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

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

18 2. recreational hunting or fishing.

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

21 (ii) “Licensing authority” includes:

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

23 2. the Department of Health and Mental Hygiene;

24 3. the Department of Human Resources;

25 4. the Department of Transportation;

26 5. the Department of the Environment;

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

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

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

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

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

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

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

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

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

1 (i) shall contain:

2 1. the full name of the obligor; and

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

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

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

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

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

18 (i) the full name of the obligor;

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

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

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

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

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

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

31 (i) 1. the individual is in arrears amounting to more than  
32 120 days under the most recent order; and

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

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

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

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

9                                   (i)    suspend an individual’s license; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 25 Article – Natural Resources

26 4-202.

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

29 4-205.



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

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

7 4-604.

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

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

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

14           (4)   A person may apply by mail.

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

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

21 10-301.

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

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

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

28           (4)   A person may apply by mail.

29           (e)   (1)   The application shall contain the applicant's name, height, color of  
30 eyes and hair, [occupation,] place of residence, and **THE LAST FOUR DIGITS OF THE**

1 **APPLICANT'S Social Security number, IF THE APPLICANT HAS A SOCIAL SECURITY**  
2 **NUMBER.**

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1,  
6 2014, the Maryland Department of Human Resources shall request an exemption from  
7 the federal Department of Health and Human Services, Administration for Children  
8 and Families that would allow the State to collect only the last four digits of a  
9 recreational hunting or fishing license applicant's Social Security number, instead of  
10 the whole Social Security number, on the license application.

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

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

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.