

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 838

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Fraud and Proof of Age and Identity” and substitute “Licensing Documentation”; and strike in their entirety lines 3 through 15, inclusive, and substitute:

“FOR the purpose of requiring an applicant for a driver’s license to state on the driver’s license application the social security number of the applicant under certain circumstances; requiring an applicant who does not have a social security number to provide a certain certification in the application for the driver’s license; prohibiting a person from using a false, fictitious, or fraudulently altered document in an application for a driver’s license; providing for a certain penalty; establishing a Task Force to Study Driver Licensing Documentation; providing for the composition, duties, and staff of the Task Force; requiring the Task Force to report to the Governor and the General Assembly by a certain date; providing for the termination of the Task Force; and generally relating to documentation for drivers’ licenses.”.

AMENDMENT NO. 2

On page 2, in line 13, strike “and”; after line 13, insert:

“(4) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION, THE APPLICANT’S SOCIAL SECURITY NUMBER; AND”;

and in line 14, strike “(4)” and substitute “(5)”.

AMENDMENT NO. 3

On page 2, in line 14, strike the brackets; strike beginning with “EXCEPT” in line 14 down through “ANY” in line 15; and strike in their entirety lines 16 through 18, inclusive, and substitute:

“(C) (1) SUBSECTION (B)(4) OF THIS SECTION APPLIES ONLY TO AN

(Over)

APPLICANT WHO HAS A SOCIAL SECURITY NUMBER.

(2) IF AN APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE APPLICANT SHALL CERTIFY IN THE APPLICATION THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER.”.

AMENDMENT NO. 4

On page 2, in line 22, strike the brackets; and strike beginning with the colon in line 22 down through “OTHER” in line 28.

On pages 2 and 3, strike in their entirety the lines beginning with line 30 on page 2 through line 11 on page 3, inclusive.

On page 3, in lines 12 and 17, in each instance, strike the brackets; and in the same lines, strike “(3)” and “(4)”, respectively.

AMENDMENT NO. 5

On page 4, strike in their entirety lines 13 through 25, inclusive.

AMENDMENT NO. 6

On page 4, after line 33, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Driver Licensing Documentation.

(b) The Task Force consists of the following members:

(1) three members of the Senate of Maryland, appointed by the President of the Senate;

(2) three members of the House of Delegates, appointed by the Speaker of the House;

(3) the Motor Vehicle Administrator, or the Administrator’s designee;

(4) the Secretary of State Police, or the Secretary’s designee;

(5) the Homeland Security Director, or the Director’s designee; and

(6) five members, appointed by the Governor, including the following:

(i) one representative of an organization representing the interests of immigrants who reside in the State;

(ii) one representative of a bar association that specializes in immigration law;

(iii) one representative of an executive agency or organization with experience enforcing the immigration laws of the United States; and

(iv) one representative of an organization that represents the business community.

(c) The Governor shall designate the chairman of the Task Force.

(d) The Motor Vehicle Administration shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) study domestic and foreign documentation that proves the age of an applicant for a driver's license;

(2) study domestic and foreign documentation that proves the identity of an applicant for a driver's license;

(3) study domestic and foreign documentation that proves the residence of an

(Over)

applicant for a driver's license;

(4) assess the extent to which individuals who reside within the State as documented or undocumented immigrants may not be issued drivers' licenses because of current requirements for providing documentation in an application for a driver's license;

(5) quantify the extent to which individuals in the State who do not have drivers' licenses because of the lack of valid documentation necessary for applications for the licenses actually drive on the highways in the State;

(6) study the potential security risks posed by providing identity documents to individuals residing in the State notwithstanding violation of the federal Immigration and Nationality Act by the individuals;

(7) assess the feasibility, including the cost, of developing a process for the Motor Vehicle Administration, in consultation with the Maryland State Police, to review driver's license applications by applicants from foreign countries to determine whether the applicant poses a danger to homeland security because of the applicant's membership or association with a foreign terrorist organization designated on the Terrorist Exclusion List by the United States Secretary of State under the authority of § 411 of the USA Patriot Act of 2001 (8 U.S.C. § 1182);

(8) assess the feasibility, including the cost, of developing a process for the Motor Vehicle Administration, in consultation with the Maryland State Police, to review drivers' license applications to determine whether the applicant poses a danger to public safety because of the applicant's membership or association with a domestic terrorist organization;

(9) assess the feasibility, including the cost, of developing a process for the Motor Vehicle Administration to review driver's license application documentation verified by a foreign embassy or other foreign national representative within the United States; and

(10) make recommendations to the General Assembly regarding the documentation that the Motor Vehicle Administration may accept for the purpose of proving the age, identity, and residence of a driver's license applicant.

(g) The Task Force shall report its findings and recommendations to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on or before December 1, 2004.”.

AMENDMENT NO. 7

On page 4, in line 34, strike “2.” and substitute “3.”; and in the same line, after “That” insert “Section 1 of”.

AMENDMENT NO. 8

On page 4, after line 35, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect July 1, 2003. Section 2 of this Act shall remain effective for a period of 18 months and, at the end of December 31, 2004, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.