

HOUSE BILL 838

Unofficial Copy
R4

2003 Regular Session
(31r0872)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Vallario, Gutierrez, Lee, Anderson, Barve, Benson, Bobo, Bronrott, Brown, Cardin, Carter, C. Davis, Dumais, Feldman, Goldwater, Gordon, Griffith, Healey, Heller, Hixson, Howard, Hurson, Kaiser, Kelley, Kirk, Madaleno, Marriott, McIntosh, Menes, Moe, Montgomery, Niemann, Proctor, Ramirez, Simmons, Taylor, and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses - ~~Fraud and Proof of Age and Identity~~**
3 **Licensing Documentation**

4 ~~FOR the purpose of prohibiting the Motor Vehicle Administration from requiring an~~
5 ~~applicant for a driver's license to provide information regarding national origin~~
6 ~~or immigration status; clarifying that an applicant may provide an original or~~
7 ~~certified copy of a birth certificate issued by the United States, a United States~~
8 ~~territory, or a foreign government as proof of age or identity; requiring the~~
9 ~~Administration to accept certain documents as proof of age and identity;~~
10 ~~requiring the Administration to accept certain documents issued in a United~~
11 ~~States territory or a foreign country under certain circumstances; providing that~~
12 ~~an individual may only use certain documents prepared in a foreign country as~~
13 ~~proof of age or identity under certain circumstances; prohibiting a person from~~

1 ~~using a false, fictitious, or fraudulently altered document in an application for a~~
2 ~~driver's license; providing for a certain penalty; and generally relating to fraud~~
3 ~~and proof of age and identity.~~

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

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 16-106 and 16-301(b)
18 Annotated Code of Maryland
19 (2002 Replacement Volume)

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

22 **Article - Transportation**

23 16-106.

24 (a) Each application for a driver's license shall be made on the form that the
25 Administration requires.

26 (b) The application shall state:

27 (1) The full name, Maryland residence address, employer, race, sex,
28 height, weight, general physical condition, and date of birth of the applicant;

29 (2) Whether the applicant previously has been refused a license to drive
30 and, if so:

31 (i) By what state or country; and

32 (ii) The date of and reason for the refusal;

33 (3) Whether the applicant previously has been licensed to drive and, if
34 so:

35 (i) When and by what state or country; and

1 (ii) Whether the license ever has been suspended, revoked, or
2 canceled and, if so, the date of and reason for the suspension, revocation, or
3 cancellation; ~~and~~

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

6 ~~(4) (5) {Any} EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS~~
7 ~~SECTION, ANY~~ other pertinent information that the Administration requires.

8 ~~(C) THE ADMINISTRATION MAY NOT REQUIRE AN APPLICANT TO PROVIDE AS~~
9 ~~PROOF OF AGE, IDENTITY, OR MARYLAND RESIDENCE INFORMATION REGARDING~~
10 ~~THE APPLICANT'S NATIONAL ORIGIN OR IMMIGRATION STATUS.~~

11 (C) (1) SUBSECTION (B)(4) OF THIS SECTION APPLIES ONLY TO AN
12 APPLICANT WHO HAS A SOCIAL SECURITY NUMBER.

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

16 [(c)] (D) The applicant shall sign the application and certify that the
17 statements made in it are true.

18 [(d)] (E) (1) Except as otherwise provided in this subsection, an applicant
19 for an original license shall submit with the application ~~{a birth certificate or other};~~

20 ~~(I) AN ORIGINAL OR CERTIFIED COPY OF A BIRTH CERTIFICATE,~~
21 ~~ISSUED BY THE UNITED STATES, A TERRITORY OF THE UNITED STATES, OR A~~
22 ~~FOREIGN GOVERNMENT;~~

23 ~~(II) ONE OF THE DOCUMENTS LISTED IN PARAGRAPH (2) OF THIS~~
24 ~~SUBSECTION; OR~~

25 ~~(III) OTHER~~ proof of age and identity that is satisfactory to the
26 Administration.

27 ~~(2) THE ADMINISTRATION SHALL ACCEPT THE FOLLOWING DOCUMENTS~~
28 ~~AS PROOF OF AGE OR IDENTITY:~~

29 ~~(I) A SOCIAL SECURITY CARD OR LETTER FROM THE INTERNAL~~
30 ~~REVENUE SERVICE STATING THAT AN INDIVIDUAL TAXPAYER IDENTIFICATION~~
31 ~~NUMBER HAS BEEN ISSUED TO THE APPLICANT;~~

32 ~~(II) A CURRENT OR EXPIRED PASSPORT ISSUED BY THE UNITED~~
33 ~~STATES, A TERRITORY OF THE UNITED STATES, OR A FOREIGN GOVERNMENT;~~

34 ~~(III) A VALID MILITARY IDENTIFICATION CARD ISSUED BY THE~~
35 ~~UNITED STATES, A TERRITORY OF THE UNITED STATES, OR A FOREIGN~~
36 ~~GOVERNMENT;~~

1 ~~(IV) A CERTIFICATE OF NAMING ISSUED BY A RELIGIOUS~~
2 ~~INSTITUTION DURING THE FIRST YEAR OF THE APPLICANT'S LIFE;~~

3 ~~(V) A NATIONAL IDENTIFICATION CARD ISSUED BY A FOREIGN~~
4 ~~GOVERNMENT; AND~~

5 ~~(VI) A CONSULAR IDENTIFICATION CARD ISSUED BY A FOREIGN~~
6 ~~GOVERNMENT.~~

7 ~~{(2)}~~ ~~(3)~~ An individual party to an absolute divorce may elect to use a
8 prior legal or true name upon filing an affidavit or other proof, satisfactory to the
9 Administration, of:

10 (i) The prior name; and

11 (ii) The absolute divorce.

12 ~~{(3)}~~ ~~(4)~~ An applicant who claims a name change by or under the
13 common law of this State or any other state shall submit with the applicant's
14 application the following:

15 (i) An affidavit of the name by which the applicant is known and
16 transacts business, as demonstrated by a Social Security card or record together with
17 documents from at least 2 of the following categories:

18 1. Tax records;

19 2. Selective Service card or records;

20 3. Voter registration card or records;

21 4. Passport;

22 5. A form of identification issued by a government unit that
23 contains a photograph of the applicant;

24 6. Baptismal certificate;

25 7. Banking records; and

26 8. Other proof of age and identity that is satisfactory to the
27 Administration;

28 (ii) Any document required under subparagraph (i) of this
29 paragraph reflecting the legal name previously given to, or used by, the applicant
30 prior to assuming the common law name;

31 (iii) Any driver's license issued to the applicant in the name
32 previously used by the applicant prior to assuming the common law name; and

1 (iv) A copy of the applicant's birth certificate or other proof of age
2 and identity that is satisfactory to the Administration.

3 [(e)] (F) If an individual previously licensed to drive in another jurisdiction
4 applies for a license, the Administration may request a copy of his driving record from
5 the other jurisdiction.

6 [(f)] (G) If another licensing jurisdiction requests a driving record from the
7 Administration, the Administration may send the record to it without charge.

8 ~~(H) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (I) OF THIS SECTION, IF
9 THE ADMINISTRATION ACCEPTS A MARRIAGE CERTIFICATE, DIVORCE DECREE, OR
10 ADOPTION CERTIFICATE ISSUED IN THE UNITED STATES AS PROOF OF AGE OR
11 IDENTITY, THE ADMINISTRATION MUST ACCEPT A MARRIAGE CERTIFICATE, DIVORCE
12 DECREE, OR ADOPTION CERTIFICATE ISSUED IN A TERRITORY OF THE UNITED
13 STATES OR A FOREIGN COUNTRY.~~

14 ~~(I) AN INDIVIDUAL MAY ONLY USE AN ORIGINAL OR CERTIFIED COPY OF A
15 DOCUMENT PREPARED IN A FOREIGN COUNTRY AS PROOF OF AGE OR IDENTITY IF:~~

16 ~~(1) THE FOREIGN AFFAIRS MANUAL OF THE UNITED STATES
17 DEPARTMENT OF STATE INDICATES THAT THE TYPE OF DOCUMENT PRESENTED IS
18 AVAILABLE; AND~~

19 ~~(2) TO THE EXTENT REQUIRED BY THE ADMINISTRATION, THE
20 DOCUMENT IS ACCOMPANIED BY A NOTARIZED TRANSLATION INTO ENGLISH.~~

21 16-301.

22 (b) A person may not in any application for a driver's license:

23 (1) Use a false or fictitious name;

24 (2) Knowingly make a false statement;

25 (3) Knowingly conceal a material fact; [or]

26 (4) USE A FALSE, FICTITIOUS, OR FRAUDULENTLY ALTERED
27 DOCUMENT; OR

28 (5) Otherwise commit a fraud.

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

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

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

32 (1) ~~three members~~ one member of the Senate of Maryland, appointed by
33 the President of the Senate;

- 1 (2) three members of the House of Delegates, appointed by the Speaker
2 of the House;
- 3 (3) the Motor Vehicle Administrator, or the Administrator's designee;
- 4 (4) the Secretary of State Police, or the Secretary's designee;
- 5 (5) the Homeland Security Director, or the Director's designee; and
- 6 (6) five members, appointed by the Governor, including the following:
- 7 (i) one representative of an organization representing the interests
8 of immigrants who reside in the State;
- 9 (ii) one representative of a bar association that specializes in
10 immigration law;
- 11 (iii) one representative of an executive agency or organization with
12 experience enforcing the immigration laws of the United States; and
- 13 (iv) one representative of an organization that represents the
14 business community.
- 15 (c) The Governor shall designate the chairman of the Task Force.
- 16 (d) The Motor Vehicle Administration shall provide staff for the Task Force.
- 17 (e) A member of the Task Force:
- 18 (1) may not receive compensation; but
- 19 (2) is entitled to reimbursement for expenses under the Standard State
20 Travel Regulations, as provided in the State budget.
- 21 (f) The Task Force shall:
- 22 (1) study domestic and foreign documentation that proves the age of an
23 applicant for a driver's license;
- 24 (2) study domestic and foreign documentation that proves the identity of
25 an applicant for a driver's license;
- 26 (3) study domestic and foreign documentation that proves the residence
27 of an applicant for a driver's license;
- 28 (4) assess the extent to which individuals who reside within the State as
29 documented or undocumented immigrants may not be issued drivers' licenses because
30 of current requirements for providing documentation in an application for a driver's
31 license;

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

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

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

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

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

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

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

29 SECTION 2. ~~3.~~ AND BE IT FURTHER ENACTED, That Section 1 of this Act
30 shall take effect October 1, 2003.

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

