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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**

Introduced and read first time: February 7, 2003  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses - Fraud and Proof of Age and Identity**

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

16 BY repealing and reenacting, with amendments,  
17 Article - Transportation  
18 Section 16-106 and 16-301(b)  
19 Annotated Code of Maryland  
20 (2002 Replacement Volume)

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

23 **Article - Transportation**

24 16-106.

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

1 (b) The application shall state:

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

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

6 (i) By what state or country; and

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

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

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

11 (ii) Whether the license ever has been suspended, revoked, or  
12 canceled and, if so, the date of and reason for the suspension, revocation, or  
13 cancellation; and

14 (4) [Any] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,  
15 ANY other pertinent information that the Administration requires.

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

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

21 [(d)] (E) (1) Except as otherwise provided in this subsection, an applicant  
22 for an original license shall submit with the application [a birth certificate or other]:

23 (I) AN ORIGINAL OR CERTIFIED COPY OF A BIRTH CERTIFICATE,  
24 ISSUED BY THE UNITED STATES, A TERRITORY OF THE UNITED STATES, OR A  
25 FOREIGN GOVERNMENT;

26 (II) ONE OF THE DOCUMENTS LISTED IN PARAGRAPH (2) OF THIS  
27 SUBSECTION; OR

28 (III) OTHER proof of age and identity that is satisfactory to the  
29 Administration.

30 (2) THE ADMINISTRATION SHALL ACCEPT THE FOLLOWING DOCUMENTS  
31 AS PROOF OF AGE OR IDENTITY:

32 (I) A SOCIAL SECURITY CARD OR LETTER FROM THE INTERNAL  
33 REVENUE SERVICE STATING THAT AN INDIVIDUAL TAXPAYER IDENTIFICATION  
34 NUMBER HAS BEEN ISSUED TO THE APPLICANT;

1 (II) A CURRENT OR EXPIRED PASSPORT ISSUED BY THE UNITED  
2 STATES, A TERRITORY OF THE UNITED STATES, OR A FOREIGN GOVERNMENT;

3 (III) A VALID MILITARY IDENTIFICATION CARD ISSUED BY THE  
4 UNITED STATES, A TERRITORY OF THE UNITED STATES, OR A FOREIGN  
5 GOVERNMENT;

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

8 (V) A NATIONAL IDENTIFICATION CARD ISSUED BY A FOREIGN  
9 GOVERNMENT; AND

10 (VI) A CONSULAR IDENTIFICATION CARD ISSUED BY A FOREIGN  
11 GOVERNMENT.

12 [(2)] (3) An individual party to an absolute divorce may elect to use a  
13 prior legal or true name upon filing an affidavit or other proof, satisfactory to the  
14 Administration, of:

15 (i) The prior name; and

16 (ii) The absolute divorce.

17 [(3)] (4) An applicant who claims a name change by or under the  
18 common law of this State or any other state shall submit with the applicant's  
19 application the following:

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

23 1. Tax records;

24 2. Selective Service card or records;

25 3. Voter registration card or records;

26 4. Passport;

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

29 6. Baptismal certificate;

30 7. Banking records; and

31 8. Other proof of age and identity that is satisfactory to the  
32 Administration;

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

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

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

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

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

13 (H) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (I) OF THIS SECTION, IF  
14 THE ADMINISTRATION ACCEPTS A MARRIAGE CERTIFICATE, DIVORCE DECREE, OR  
15 ADOPTION CERTIFICATE ISSUED IN THE UNITED STATES AS PROOF OF AGE OR  
16 IDENTITY, THE ADMINISTRATION MUST ACCEPT A MARRIAGE CERTIFICATE, DIVORCE  
17 DECREE, OR ADOPTION CERTIFICATE ISSUED IN A TERRITORY OF THE UNITED  
18 STATES OR A FOREIGN COUNTRY.

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

21 (1) THE FOREIGN AFFAIRS MANUAL OF THE UNITED STATES  
22 DEPARTMENT OF STATE INDICATES THAT THE TYPE OF DOCUMENT PRESENTED IS  
23 AVAILABLE; AND

24 (2) TO THE EXTENT REQUIRED BY THE ADMINISTRATION, THE  
25 DOCUMENT IS ACCOMPANIED BY A NOTARIZED TRANSLATION INTO ENGLISH.

26 16-301.

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

28 (1) Use a false or fictitious name;

29 (2) Knowingly make a false statement;

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

31 (4) USE A FALSE, FICTITIOUS, OR FRAUDULENTLY ALTERED  
32 DOCUMENT; OR

33 (5) Otherwise commit a fraud.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
35 effect October 1, 2003.

