

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 109

(Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Transportation)

Judicial Proceedings

Environmental Matters

Motor Vehicle Administration - Identification Cards - Cancellation

This departmental bill authorizes the Motor Vehicle Administration (MVA) to cancel an identification card if it determines that the holder:

- was not entitled to the identification card;
- failed to give the required or correct information in the identification card application;
- fraudulently applied for or obtained the identification card; or
- is otherwise in violation of specified provisions relating to fraud and misrepresentation in the applying for, or the use of, identification cards.

If the MVA cancels an identification card, the holder must immediately surrender the canceled identification card to the MVA. A person who violates these provisions is guilty of a misdemeanor, and is subject to a fine of not more than \$500, imprisonment for not more than two months, or both.

Fiscal Summary

State Effect: The bill is not expected to significantly impact State finances or operations.

Local Effect: None.

Small Business Effect: The Department of Transportation has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: The MVA is required to issue an identification card to any individual who is a State resident, does not have a driver's license, presents a birth certificate or other acceptable proof of age and identity, and presents a completed application for an identification card. The MVA must establish a fee for the issuance of identification cards and duplicate identification cards. The fee is not required if the applicant is 65 or older, or has a physical or mental impairment, as specified in statute.

A person may not commit any fraud or misrepresentation in applying for or using an identification card. A violation of these prohibitions is a misdemeanor. A violator is subject to a fine of not more than \$500, imprisonment for not more than two months, or both.

An identification card must be made to the MVA specifications and be tamperproof to the extent possible. The card must contain an applicant's name, address, birth date, sex, description of the applicant, a color photograph of the applicant, an expiration date, the applicant's signature, and the signature and seal of the issuing agent. An identification card expires every five years and may be renewed on application and payment of the required fee. The identification card must be surrendered when the applicant receives a Maryland driver's license. The MVA may issue an identification card to an applicant whose privilege to drive has been refused, cancelled, suspended, or revoked, or to an applicant who has been issued a temporary license.

Background: This bill is intended to address concerns for tighter security by authorizing the MVA to cancel fraudulent identification cards. Persons who obtain identification cards use them for check cashing purposes, other financial transactions, and for proof of identification at national airports and other venues that require identification.

A joint task force studied the State's laws relating to security and terrorism and recommended comprehensive changes for the 2002 session. They were contained in House Bill 1069/Senate Bill 639 of the 2002 session. House Bill 1069 was enacted as Chapter 100 of 2002. House Bill 1069 contained provisions authorizing the MVA to cancel identification cards, but those provisions were deleted by amendment before enactment of the legislation.

Additional Information

Prior Introductions: Provisions providing authority to the MVA to cancel identification cards were contained in SB 639 of the 2002 session. SB 639 was passed by the General Assembly, but vetoed by the Governor as duplicative. Similar provisions were also contained in the cross-filed HB 1036. The provisions were deleted by amendment before passage of HB 1036.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Transportation, Department of Legislative Services

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