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By: **Delegates McMillan, Boschert, Boteler, Burns, Cluster, Costa, DeBoy, Dwyer, Eckardt, Edwards, Elliott, Frank, Fulton, Gilleland, Glassman, Impallaria, Kach, Kelly, Leopold, McComas, McDonough, Myers, Parker, Shank, Shewell, Sophocleus, Stocksdales, Stull, Weir, and Wood**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licensing of Illegal Aliens - Restrictions**

3 FOR the purpose of prohibiting the Motor Vehicle Administration from issuing a new  
4 driver's license to an individual who cannot provide certain documentation  
5 certifying that the individual is lawfully present in the United States in  
6 accordance with federal law, except under certain circumstances; authorizing  
7 the Administration to issue a new driver's license under certain circumstances  
8 to an individual whose documentation certifying lawful presence in the United  
9 States has expired; prohibiting the Administration from issuing to a certain  
10 individual a driver's license that has a certain effective term; authorizing the  
11 Administration to renew for certain periods the driver's license of an individual  
12 not lawfully present in the United States under certain circumstances; and  
13 generally relating to drivers' licenses and individuals who are not lawfully  
14 present in the United States.

15 BY repealing and reenacting, with amendments,  
16 Article - Transportation  
17 Section 16-103.1  
18 Annotated Code of Maryland  
19 (2002 Replacement Volume and 2004 Supplement)

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 16-103.1.

24 (A) The Administration may not issue a driver's license to an individual:

1 (1) During any period for which the individual's license to drive is  
2 revoked, suspended, refused, or canceled in this or any other state, unless the  
3 individual is eligible for a restricted license under § 16-113(e) of this subtitle;

4 (2) Who is an habitual drunkard, habitual user of narcotic drugs, or  
5 habitual user of any other drug to a degree that renders the individual incapable of  
6 safely driving a motor vehicle;

7 (3) Who previously has been adjudged to be suffering from any mental  
8 disability or mental disease and who, at the time of application, has not been  
9 adjudged competent;

10 (4) Who is required by this title to take an examination, unless the  
11 individual has passed the examination;

12 (5) Whose driving of a motor vehicle on the highways the Administration  
13 has good cause to believe would be inimical to public safety or welfare;

14 (6) Who is unable to exercise reasonable control over a motor vehicle due  
15 to disease or a physical disability, including the loss of an arm or leg or both, except  
16 that, if the individual passes the examination required by this title, the  
17 Administration may issue the individual a restricted license requiring the individual  
18 to wear a workable artificial limb or other similar body attachment;

19 (7) Who is unable to understand highway warning or direction signs  
20 written in the English language;

21 (8) Who is unable to sign the individual's name for identification  
22 purposes;

23 (9) Who is 70 years old or older and applying for a new license, unless  
24 the applicant presents to the Administration:

25 (i) Proof of the individual's previous satisfactory operation of a  
26 motor vehicle; or

27 (ii) A written certification acceptable to the Administration from a  
28 licensed physician attesting to the general physical and mental qualifications of the  
29 applicant; or

30 (10) Who otherwise does not qualify for a license under this title.

31 (B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
32 PARAGRAPH, THE ADMINISTRATION MAY NOT ISSUE A NEW DRIVER'S LICENSE TO AN  
33 INDIVIDUAL WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE  
34 ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN  
35 THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

36 (II) THE ADMINISTRATION MAY ISSUE A NEW DRIVER'S LICENSE TO  
37 AN INDIVIDUAL WHOSE DOCUMENTATION CERTIFYING THE INDIVIDUAL'S LAWFUL

1 PRESENCE IN THE UNITED STATES HAS EXPIRED IF THE INDIVIDUAL CAN PRODUCE  
2 DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION INDICATING THAT:

3                                   1.       THE INDIVIDUAL HAS APPLIED FOR REINSTATEMENT OF  
4 THE INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE UNITED STATES IN  
5 ACCORDANCE WITH FEDERAL LAW; AND

6                                   2.       A FINAL DETERMINATION HAS NOT BEEN MADE ON THE  
7 APPLICATION FOR REINSTATEMENT.

8                   (2)       THE ADMINISTRATION MAY NOT ISSUE, TO AN INDIVIDUAL WHO IS  
9 NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED  
10 STATES, A DRIVER'S LICENSE THAT HAS AN EFFECTIVE TERM THAT EXCEEDS THE  
11 LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED  
12 STATES IN ACCORDANCE WITH FEDERAL LAW.

13                   (3)       THE ADMINISTRATION MAY RENEW FOR 1 YEAR PERIODS THE  
14 DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS NOT LAWFULLY PRESENT IN THE  
15 UNITED STATES IF THE INDIVIDUAL CAN PRODUCE DOCUMENTATION ACCEPTABLE  
16 TO THE ADMINISTRATION INDICATING THAT:

17                                   (I)       THE INDIVIDUAL HAS APPLIED FOR REINSTATEMENT OF THE  
18 INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE UNITED STATES IN  
19 ACCORDANCE WITH FEDERAL LAW; AND

20                                   (II)       A FINAL DETERMINATION HAS NOT BEEN MADE ON THE  
21 APPLICATION FOR REINSTATEMENT.

22       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2005.