

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 168 (Senator Ruben)
Judicial Proceedings

Vehicle Laws - Driver's License Application - Citizenship

This bill requires an application for a driver's license from the Motor Vehicle Administration (MVA) to state the citizenship of the applicant.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures could increase in FY 2006 only for computer reprogramming costs. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Each application for a driver's license must state the applicant's full name, Maryland residence address, employer, race, sex, height, weight, general physical condition, and date of birth.

An individual may not drive or attempt to drive a motor vehicle on any highway in Maryland unless the individual holds a valid driver's license, is expressly exempt from licensing requirements, or is otherwise specifically authorized to drive the class of vehicle being driven. A nonresident of the United States is exempt from the licensing requirement if the individual has a valid license issued by the country of residence, the individual's license authorizes the operation of the class of vehicle being driven, the individual meets the minimum age requirements for driving the class of vehicle and, except as specified, the vehicle is not a commercial vehicle.

A person who drives a motor vehicle in the State without a proper license, authorization, or a specific exemption is guilty of a misdemeanor and is subject to a fine of up to \$500. If the fine is prepaid and not contested, the penalty for this offense is \$315. The MVA is required to assess five points against the offender's license. A second or subsequent violation subjects the offender to a fine of up to \$500, imprisonment for up to one year, or both.

Background: Since the September 11, 2001 terrorist attacks, the driver's license has become inextricably linked to national security concerns. At one time, a number of states were considering expanding driver's license access to undocumented immigrants, to increase highway safety. More recently, states have considered legislative proposals to further restrict access to a driver's license for undocumented immigrants.

In September 2003, the Office of the Attorney General issued an opinion on whether the MVA may require individuals with foreign identification to produce proof of legal presence in the United States as a condition of obtaining a driver's license. The Attorney General concluded that the MVA may require a person without a domestic birth certificate to provide alternate forms of identification, which may include immigration-related documents. However, the inability to verify legal presence in the United States is not, in and of itself, a valid reason for denying a Maryland driver's license.

The federal Intelligence Reform and Terrorism Prevention Act of 2004, established minimum standards for driver's licenses and identification cards issued by the states. The U.S. Department of Transportation has 18 months from the date of enactment of the Act to establish minimum standards, including what information must be present on the physical driver's license. This information includes full legal name, date of birth, gender, card number, digital photo, principal residence address, and signature. Citizenship is not mentioned.

State Expenditures: TTF expenditures could increase by \$26,329 in fiscal 2006 to pay for one-time printing costs for various forms. However, because the MVA must revise its forms annually to include various law changes, reprinting is simply a part of doing business and could be handled with the MVA's existing resources.

The MVA advises that computer programming costs would be approximately \$62,500. Legislative Services advises that, if other legislation is passed requiring computer programming changes, economies of scale could be realized. This would reduce the costs associated with this bill and other legislation affecting the MVA system.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2005
ncs/ljm

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