
By: **Delegates McMillan, Aumann, Bartlett, Boschert, Boteler, Bromwell, Burns, Cadden, Cluster, Costa, DeBoy, Dwyer, Eckardt, Frank, Gilleland, Glassman, Haddaway, Hogan, Impallaria, Jameson, Jennings, Kach, Kelly, Kohl, Krebs, Leopold, Mayer, McComas, McConkey, McDonough, McKee, Miller, Minnick, Parker, Parrott, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stocksedale, Stull, Trueschler, Weir, Weldon, and Wood**

Introduced and read first time: February 10, 2006
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

16 BY repealing and reenacting, with amendments,
17 Article - Transportation
18 Section 16-103.1
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2005 Supplement)

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

Article - Transportation

16-103.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE ADMINISTRATION, IN ORDER TO FACILITATE COMPLIANCE WITH THE FEDERAL REAL ID ACT, MAY NOT ISSUE A NEW DRIVER'S LICENSE TO AN

1 INDIVIDUAL WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE
2 ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN
3 THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

4 (II) THE ADMINISTRATION MAY ISSUE A NEW DRIVER'S LICENSE TO
5 AN INDIVIDUAL WHOSE DOCUMENTATION CERTIFYING THE INDIVIDUAL'S LAWFUL
6 PRESENCE IN THE UNITED STATES HAS EXPIRED IF THE INDIVIDUAL CAN PRODUCE
7 DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION INDICATING THAT:

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

11 2. A FINAL DETERMINATION HAS NOT BEEN MADE ON THE
12 APPLICATION FOR REINSTATEMENT.

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

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2006.