

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 899

(Delegate Impallaria)

Judiciary

Vehicle Laws - Identification Cards and Drivers' Licenses for Noncitizens of the
United States - Photograph Requirements

This bill requires applicants for a commercial or noncommercial driver's license to provide a statement of citizenship. In addition, all identification cards as well as commercial and noncommercial driver's licenses with photographs that are issued to noncitizens must show the holder only in profile.

Fiscal Summary

State Effect: Potential significant increase in Transportation Trust Fund (TTF) expenditures in FY 2007 only for computer reprogramming costs. Revenues would not be affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An application for a noncommercial driver's license must state the full name, Maryland residential address, employer, race, sex, height, weight, general physical condition, and date of birth. In addition to that information, an applicant for a commercial driver's license must also state the applicant's Social Security number, consent to release a complete driving record to any current or prospective employer, and provide any certifications and information required by federal regulation. Identification cards must contain the name, address, date of birth, sex, and a description of the holder.

An identification card issued by the Motor Vehicle Administration (MVA) must contain a color photograph of the applicant, as must commercial and noncommercial driver's licenses. For an individual younger than 21, the photo is a profile photograph.

Background: Approximately 25 states require by statute driver's license applicants to prove "lawful presence" in the United States. In 2004, Tennessee became one of them; however, individuals not eligible for a license can obtain a "certificate for driving" available to individuals who have temporary legal documents issued by the federal government, such as a work visa, and who can also prove Tennessee residency and proof of identity. Another 15 states have lawful presence requirements through agency policy or the combination of documents required of driver's license applicants.

Maryland does not have a legislative "lawful presence in the United States" requirement. 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 getting 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.

During the 2003 session, the General Assembly adopted legislation that established a Joint Task Force to Study Driver Licensing Documentation. That task force made its final report in December 2004. The report recommended that no revision of current law was needed, meaning an individual who is not lawfully present in the United States should still be able to receive a driver's license if the individual can provide verifiable documents.

However, on May 11, 2005, President Bush signed into law the REAL-ID Act, which, beginning on May 11, 2008, requires federal agencies to accept only personal identification cards, including driver's licenses, which meet certain standards. Under REAL-ID, the MVA will be required to confirm that an individual is legally permitted to reside in the country.

The MVA has eight sites to process out-of-country applications for driver's licenses and identification cards: Baltimore City, Bel Air, Beltsville, Frederick, Gaithersburg, Glen Burnie, Salisbury, and Waldorf. This was intended to improve the security of the application process and to allow the examination of foreign documents by specially trained examiners.

State Expenditures: TTF expenditures would increase by \$13,120 in fiscal 2007 to pay for one-time printing costs for revising and reprinting forms. However, because the MVA must revise its forms annually to include various law changes, reprinting is simply a part of doing business and can be handled with the MVA's existing resources.

The MVA estimates that computer reprogramming associated with this bill would cost \$141,750. The Department of Legislative Services advises that, if other legislation is passed requiring computer reprogramming 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): National Conference of State Legislatures, Maryland Department of Transportation, Department of Legislative Services

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