

# HOUSE BILL 537

R4  
HB 1443/06 – JUD

71r1465

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By: **Delegates George, Aumann, Bartlett, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, Burns, Costa, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Frank, Glassman, Haddaway, Impallaria, Jameson, Jennings, Kach, Kelly, J. King, Kipke, Krebs, McComas, McConkey, McDonough, McKee, Miller, Minnick, Myers, O'Donnell, Rudolph, Schuh, Shank, Shewell, Smigiel, Sophocleus, Sossi, Stifler, Stocksdale, Stull, Walkup, Weir, Weldon, and Wood**

Introduced and read first time: February 7, 2007  
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, 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2006 Supplement)

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

4 **Article – Transportation**

5 16–103.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (B) (1) (I) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**  
8 **PARAGRAPH, THE ADMINISTRATION, IN ORDER TO FACILITATE COMPLIANCE**  
9 **WITH THE FEDERAL REAL ID ACT, MAY NOT ISSUE A NEW DRIVER'S LICENSE TO**  
10 **AN INDIVIDUAL WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE**  
11 **ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN**  
12 **THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

13 (II) **THE ADMINISTRATION MAY ISSUE A NEW DRIVER'S**  
14 **LICENSE TO AN INDIVIDUAL WHOSE DOCUMENTATION CERTIFYING THE**  
15 **INDIVIDUAL'S LAWFUL PRESENCE IN THE UNITED STATES HAS EXPIRED IF THE**  
16 **INDIVIDUAL CAN PRODUCE DOCUMENTATION ACCEPTABLE TO THE**  
17 **ADMINISTRATION INDICATING THAT:**

18 **1. THE INDIVIDUAL HAS APPLIED FOR**  
19 **REINSTATEMENT OF THE INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE**  
20 **UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND**

21 **2. A FINAL DETERMINATION HAS NOT BEEN MADE**  
22 **ON THE APPLICATION FOR REINSTATEMENT.**

23 (2) **THE ADMINISTRATION MAY NOT ISSUE TO AN INDIVIDUAL**  
24 **WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE**  
25 **UNITED STATES A DRIVER'S LICENSE THAT HAS AN EFFECTIVE TERM THAT**  
26 **EXCEEDS THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO**  
27 **REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

28 (3) **THE ADMINISTRATION MAY RENEW FOR 1-YEAR PERIODS THE**  
29 **DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS NOT LAWFULLY PRESENT IN THE**  
30 **UNITED STATES IF THE INDIVIDUAL CAN PRODUCE DOCUMENTATION**  
31 **ACCEPTABLE TO THE ADMINISTRATION INDICATING THAT:**

1                   **(I) THE INDIVIDUAL HAS APPLIED FOR REINSTATEMENT OF**  
2 **THE INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE UNITED STATES IN**  
3 **ACCORDANCE WITH FEDERAL LAW; AND**

4                   **(II) A FINAL DETERMINATION HAS NOT BEEN MADE ON THE**  
5 **APPLICATION FOR REINSTATEMENT.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2007.