

**HB0478/993728/1**

BY: Senator Brinkley

(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO HOUSE BILL 478

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Commercial”; in the same line, after “Licenses” insert “and Identification Cards”; in line 3, after “of” insert “adding the presentation of certain documentation certifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law to the requirements for the issuance of a driver’s license or an identification card; prohibiting the Motor Vehicle Administration from issuing a driver’s license to an individual who cannot provide certain documentation certifying that the individual is either a United States citizen or is lawfully present in the United States in accordance with federal law; limiting the effective term of a driver’s license or identification card issued to certain individuals;”; in line 24, strike “commercial”; and in the same line, after “licenses” insert “and identification cards”.

On page 2, before line 1, insert:

“BY repealing and reenacting, without amendments,

Article – Transportation

Section 11–128, 16–106(a) and (e)(1), and 16–815

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)”;

in line 3, after “Section” insert “12–301(a) and (i), 16–103.1, 16–115(a),”; in line 9, after “Section” insert “16–106(e)(4) and”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

(Over)

On page 2, after line 19, insert:

“11-128.

“License”, as used in reference to the operation of a motor vehicle, means any:

(1) Driver’s license; and

(2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:

(i) Any temporary license;

(ii) A learner’s instructional permit;

(iii) A provisional license;

(iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;

(v) Any nonresident’s privilege to drive, as defined in this subtitle; and

(vi) A commercial driver’s license.

12-301.

(a) On application, the Administration shall issue an identification card to any individual who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration; [and]

(4) **PRESENTS DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND**

(5) Presents a completed application for an identification card on a form furnished by the Administration.

(i) (1) [An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN identification card issued to an applicant at least 16 years old expires every 5 years.

(2) [An] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN identification card issued to an applicant under the age of 16 years expires every 2 years.

(3) **THE EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

(4) An identification card may be renewed on application and payment of the fee required by this section.

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 CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL:**

**(I) IS A UNITED STATES CITIZEN; OR**

**(II) IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; OR**

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

16-106.

(a) Each application for a driver's license shall be made on the form that the Administration requires.

(e) (1) Except as otherwise provided in this subsection, an applicant for an original license shall submit with the application a birth certificate or other proof of age and identity that is satisfactory to the Administration.

**(4) AN APPLICANT FOR A DRIVER'S LICENSE SHALL SUBMIT WITH THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION**

(Over)

CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS  
LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL  
LAW.

16-115.

(a) (1) [A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A  
license issued under this title to a driver at least 21 years old shall expire on the birth  
date of the licensee in the fifth year following the issuance of the license.

(2) [A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A  
license issued under this title to a driver under the age of 21 years shall expire 60 days  
after the driver's 21st birthday.

(3) A license is renewable on the presentation of an application, the  
payment of the renewal fee required by § 16-111.1 of this subtitle, and satisfactory  
completion of the examination required or authorized by subsection (h) of this section:

(i) Within 6 months before its expiration; or

(ii) When a driver qualifies for a corrected license issued under §  
16-114.1(c) of this subtitle.

(4) Except as provided in subsection (e) of this section, the  
Administration may not renew an individual's license for more than one consecutive  
term without requiring the individual to appear in person at an office of the  
Administration.

(5) THE EFFECTIVE TERM OF A DRIVER'S LICENSE ISSUED TO AN  
INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY  
PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT

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THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.”.