

HOUSE BILL 288

R4

8lr1040

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

Introduced and read first time: January 23, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Proof of Legal Presence Act of 2008**

3 FOR the purpose of adding the presentation of certain documentation certifying that
4 an individual born on or after a certain date is either a United States citizen or
5 is lawfully present in the United States in accordance with federal law to the
6 requirements for the issuance of an identification card or a moped operator's
7 permit; prohibiting the Motor Vehicle Administration from issuing a driver's
8 license to an individual born on or after a certain date who cannot provide
9 certain documentation certifying that the individual is either a United States
10 citizen or is lawfully present in the United States in accordance with federal
11 law; prohibiting the Administration from issuing to a certain individual an
12 identification card, driver's license, or moped operator's permit that has certain
13 effective terms; providing that certain provisions relating to the issuance and
14 expiration of a driver's license, moped operator's permit, or identification card
15 apply to any individual on or after a certain date; making certain technical
16 corrections; and generally relating to individuals who are not lawfully present
17 in the United States and the issuance of driver's licenses, moped operator's
18 permits, and identification cards.

19 BY repealing and reenacting, without amendments,
20 Article – Transportation
21 Section 11–128
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Transportation
3 Section 12–301(a) and (i), 16–103.1, 16–104.2, and 16–115(a)
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2007 Supplement)

6 BY adding to
7 Article – Transportation
8 Section 12–301(m)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2007 Supplement)

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

13 **Article – Transportation**

14 11–128.

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

16 (1) Driver’s license; and

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

19 (i) Any temporary license;

20 (ii) A learner’s instructional permit;

21 (iii) A provisional license;

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

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

26 (vi) A commercial driver’s license.

27 12–301.

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

30 (1) Is a resident of this State;

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

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

4 (4) **SUBJECT TO SUBSECTION (M) OF THIS SECTION, IF THE**
5 **INDIVIDUAL WAS BORN ON OR AFTER DECEMBER 1, 1964, PRESENTS**
6 **DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT**
7 **THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY**
8 **PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND**

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

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

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

16 (3) **SUBJECT TO SUBSECTION (M) OF THIS SECTION, THE**
17 **EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED TO AN INDIVIDUAL**
18 **BORN ON OR AFTER DECEMBER 1, 1964, WHO IS NOT A UNITED STATES CITIZEN**
19 **BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE**
20 **LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE**
21 **UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

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

24 (M) **ON OR AFTER DECEMBER 1, 2017, THE REQUIREMENTS OF**
25 **SUBSECTIONS (A)(4) AND (I)(3) OF THIS SECTION APPLY TO AN IDENTIFICATION**
26 **CARD ISSUED TO ANY INDIVIDUAL REGARDLESS OF THE INDIVIDUAL'S DATE OF**
27 **BIRTH.**

28 16-103.1.

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

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

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

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

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

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

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

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

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

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

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

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

27 (10) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, WHO WAS**
28 **BORN ON OR AFTER DECEMBER 1, 1964, AND WHO CANNOT PROVIDE**
29 **DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT**
30 **THE INDIVIDUAL:**

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

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

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

1 **(B) ON OR AFTER DECEMBER 1, 2017, THE PROHIBITION ON THE**
2 **ISSUANCE OF A DRIVER'S LICENSE DESCRIBED IN SUBSECTION (A)(10) OF THIS**
3 **SECTION APPLIES TO THE ISSUANCE OF A DRIVER'S LICENSE TO ANY**
4 **INDIVIDUAL REGARDLESS OF THE INDIVIDUAL'S DATE OF BIRTH.**

5 16-104.2.

6 (a) On application, the Administration shall issue a moped operator's permit
7 to an individual:

8 **(1) [who] WHO is 16 years of age or [older, and who] OLDER;**

9 **(2) WHO does not possess a valid driver's license issued by this State**
10 **or any other jurisdiction, but whose license or privilege to drive is not revoked,**
11 **suspended, refused, or canceled; AND**

12 **(3) SUBJECT TO SUBSECTION (G) OF THIS SECTION, WHO, IF THE**
13 **INDIVIDUAL WAS BORN ON OR AFTER DECEMBER 1, 1964, IS EITHER A UNITED**
14 **STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN**
15 **ACCORDANCE WITH FEDERAL LAW.**

16 (b) An applicant is entitled to receive a moped operator's permit if the
17 applicant:

18 (1) Passes the examination provided for in § 16-110(c)(1) of this
19 subtitle; [and]

20 (2) Pays the fee provided for in this section; **AND**

21 **(3) SUBJECT TO SUBSECTION (G) OF THIS SECTION, IF THE**
22 **INDIVIDUAL WAS BORN ON OR AFTER DECEMBER 1, 1964, PRESENTS**
23 **DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT**
24 **THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY**
25 **PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

26 (c) Each application for a moped operator's permit shall be on a form and
27 contain the information that the Administration requires and each permit issued shall
28 be of a size, design, and content that the Administration specifies.

29 (d) (1) A permit is not valid unless the applicant signs the applicant's
30 name on it in the applicant's usual signature.

31 (2) When issued and signed, a moped operator's permit only
32 authorizes its holder to operate a moped, as defined in § 11-134.1 of this article or a
33 motor scooter, as defined in § 11-134.5 of this article.

1 (e) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A
2 moped operator's permit expires every 5 years.

3 (2) SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE
4 EFFECTIVE TERM OF A MOPED OPERATOR'S PERMIT ISSUED TO AN INDIVIDUAL
5 BORN ON OR AFTER DECEMBER 1, 1964, WHO IS NOT A UNITED STATES CITIZEN
6 BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE
7 LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE
8 UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

9 (3) It may be renewed on application and payment of the fee required
10 by subsection (f) of this section.

11 (f) (1) For issuance or renewal of a moped operator's permit, an applicant
12 shall pay the Administration a fee established by the Administration.

13 (2) For issuance of a duplicate moped operator's permit, an applicant
14 shall pay the Administration a fee established by the Administration.

15 (G) ON OR AFTER DECEMBER 1, 2017, THE REQUIREMENTS OF
16 SUBSECTIONS (A)(3), (B)(3), AND (E)(2) OF THIS SECTION APPLY TO A MOPED
17 OPERATOR'S PERMIT ISSUED TO ANY INDIVIDUAL REGARDLESS OF THE
18 INDIVIDUAL'S DATE OF BIRTH.

19 16-115.

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

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

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

29 (i) Within 6 months before its expiration; or

30 (ii) When a driver qualifies for a corrected license issued under §
31 16-114.1(c) of this subtitle.

32 (4) Except as provided in subsection (e) of this section, the
33 Administration may not renew an individual's license for more than one consecutive

1 term without requiring the individual to appear in person at an office of the
2 Administration.

3 **(5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
4 **THE EFFECTIVE TERM OF A DRIVER'S LICENSE ISSUED TO AN INDIVIDUAL BORN**
5 **ON OR AFTER DECEMBER 1, 1964, WHO IS NOT A UNITED STATES CITIZEN BUT**
6 **WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE**
7 **LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE**
8 **UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

9 **(II) ON OR AFTER DECEMBER 1, 2017, THE REQUIREMENTS**
10 **OF THIS PARAGRAPH APPLY TO A DRIVER'S LICENSE ISSUED TO ANY INDIVIDUAL**
11 **REGARDLESS OF THE INDIVIDUAL'S DATE OF BIRTH.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2008.