

# HOUSE BILL 1046

R4

8lr2140

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By: **Delegate Malone**

Introduced and read first time: February 7, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses, Identification Cards, and Moped Operator's**  
3 **Permits - Proof of Legal Presence**

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

17 BY repealing and reenacting, without amendments,  
18 Article - Transportation  
19 Section 11-128 and 16-106(a) and (e)(1)  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2007 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - Transportation  
24 Section 12-301(a) and (i), 16-103.1, 16-104.2, and 16-115(a)  
25 Annotated Code of Maryland  
26 (2006 Replacement Volume and 2007 Supplement)

27 BY adding to  
28 Article - Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 16–106(e)(4)  
2 Annotated Code of Maryland  
3 (2006 Replacement Volume and 2007 Supplement)

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

6 **Article – Transportation**

7 11–128.

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

9 (1) Driver’s license; and

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

12 (i) Any temporary license;

13 (ii) A learner’s instructional permit;

14 (iii) A provisional license;

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

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

19 (vi) A commercial driver’s license.

20 12–301.

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

23 (1) Is a resident of this State;

24 (2) Does not have a driver’s license;

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

27 (4) **PRESENTS DOCUMENTATION ACCEPTABLE TO THE**  
28 **ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED**

1 **STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN**  
2 **ACCORDANCE WITH FEDERAL LAW; AND**

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

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

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

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

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

17 16–103.1.

18 The Administration may not issue a driver's license to an individual:

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

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

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

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

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

32 (6) Who is unable to exercise reasonable control over a motor vehicle  
33 due to disease or a physical disability, including the loss of an arm or leg or both,  
34 except that, if the individual passes the examination required by this title, the

1 Administration may issue the individual a restricted license requiring the individual  
2 to wear a workable artificial limb or other similar body attachment;

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

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

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

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

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

14 (10) **WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO**  
15 **THE ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL:**

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

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

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

20 16-104.2.

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

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

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

27 (3) **WHO IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY**  
28 **PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

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

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

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

4 **(3) PRESENTS DOCUMENTATION ACCEPTABLE TO THE**  
5 **ADMINISTRATION CERTIFYING THAT THE APPLICANT IS EITHER A UNITED**  
6 **STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN**  
7 **ACCORDANCE WITH FEDERAL LAW.**

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

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

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

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

18 **(2) THE EFFECTIVE TERM OF A MOPED OPERATOR'S PERMIT**  
19 **ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS**  
20 **LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF**  
21 **TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES**  
22 **IN ACCORDANCE WITH FEDERAL LAW.**

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

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

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

29 16–106.

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

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

4 (4) **AN APPLICANT FOR A DRIVER'S LICENSE SHALL SUBMIT WITH**  
5 **THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION**  
6 **CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS**  
7 **LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL**  
8 **LAW.**

9 16-115.

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

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

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

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

20 (ii) When a driver qualifies for a corrected license issued under §  
21 16-114.1(c) of this subtitle.

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

26 (5) **THE EFFECTIVE TERM OF A DRIVER'S LICENSE ISSUED TO AN**  
27 **INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY**  
28 **PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT**  
29 **THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN**  
30 **ACCORDANCE WITH FEDERAL LAW.**

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