

# SENATE BILL 93

R4

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SB 184/07 – JPR

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By: **Senators Brochin, Greenip, Harris, and Stone**

Introduced and read first time: January 16, 2008

Assigned to: Judicial Proceedings

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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 providing that a license issued under certain circumstances expires after a  
11 certain time period; prohibiting the Administration from issuing to a certain  
12 individual a driver's license that has a certain effective term; authorizing the  
13 Administration to renew for certain periods the driver's license of an individual  
14 not lawfully present in the United States under certain circumstances; and  
15 generally relating to drivers' licenses and individuals who are not lawfully  
16 present in the United States.

17 BY repealing and reenacting, with amendments,

18 Article – Transportation

19 Section 16–103.1

20 Annotated Code of Maryland

21 (2006 Replacement Volume and 2007 Supplement)

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

24 **Article – Transportation**

25 16–103.1.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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;

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

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

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

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

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

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

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

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

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

1 THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES IN  
2 ACCORDANCE WITH FEDERAL LAW.

3 (II) 1. THE ADMINISTRATION MAY ISSUE A NEW  
4 DRIVER'S LICENSE TO AN INDIVIDUAL WHOSE DOCUMENTATION CERTIFYING  
5 THE INDIVIDUAL'S LAWFUL PRESENCE IN THE UNITED STATES HAS EXPIRED IF  
6 THE INDIVIDUAL CAN PRODUCE DOCUMENTATION ACCEPTABLE TO THE  
7 ADMINISTRATION INDICATING THAT:

8 A. THE INDIVIDUAL HAS APPLIED FOR  
9 REINSTATEMENT OF THE INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE  
10 UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND

11 B. A FINAL DETERMINATION HAS NOT BEEN MADE  
12 ON THE APPLICATION FOR REINSTATEMENT.

13 2. A LICENSE ISSUED UNDER THIS SUBPARAGRAPH  
14 SHALL EXPIRE 1 YEAR FROM THE DATE THE LICENSE IS ISSUED.

15 (2) THE ADMINISTRATION MAY NOT ISSUE, TO AN INDIVIDUAL  
16 WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE  
17 UNITED STATES, A DRIVER'S LICENSE THAT HAS AN EFFECTIVE TERM THAT  
18 EXCEEDS THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO  
19 REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

20 (3) THE ADMINISTRATION MAY RENEW, FOR 1-YEAR PERIODS,  
21 THE DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS NOT LAWFULLY PRESENT IN  
22 THE UNITED STATES IF THE INDIVIDUAL CAN PRODUCE DOCUMENTATION  
23 INDICATING THAT:

24 (I) THE INDIVIDUAL HAS APPLIED FOR REINSTATEMENT OF  
25 THE INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE UNITED STATES IN  
26 ACCORDANCE WITH FEDERAL LAW; AND

27 (II) A FINAL DETERMINATION HAS NOT BEEN MADE ON THE  
28 APPLICATION FOR REINSTATEMENT.

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