

SENATE BILL 93

R4
SB 184/07 – JPR

8lr0599

By: **Senators Brochin, Greenip, Harris, and Stone**
Introduced and read first time: January 16, 2008
Assigned to: Judicial Proceedings

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (1) During any period for which the individual's license to drive is
2 revoked, suspended, refused, or canceled in this or any other state, unless the
3 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;

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

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

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

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

31 **(B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
32 **PARAGRAPH, THE ADMINISTRATION, IN ORDER TO FACILITATE COMPLIANCE**
33 **WITH THE FEDERAL REAL ID ACT, MAY NOT ISSUE A NEW DRIVER'S LICENSE TO**
34 **AN INDIVIDUAL WHO CANNOT PROVIDE DOCUMENTATION CERTIFYING THAT**

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.