

# SENATE BILL 277

R4

8lr1427

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By: **Senator Pipkin**

Introduced and read first time: January 25, 2008

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Unlawful Application for or Use of a Driver's License -**  
3 **Mandatory Minimum Penalty for Undocumented Immigrants**

4 FOR the purpose of imposing a certain mandatory minimum term of imprisonment on  
5 a person who is convicted of a violation of a certain provision of law relating to  
6 the unlawful application for or use of a driver's license and who is unable to  
7 provide documentation that is acceptable to the Department of Public Safety  
8 and Correctional Services certifying that the person is lawfully present in the  
9 United States in accordance with federal law; providing that the mandatory  
10 minimum term of imprisonment is not subject to suspension or probation; and  
11 generally relating to imposing a mandatory minimum penalty on undocumented  
12 immigrants for certain violations relating to the unlawful application for or use  
13 of a driver's license.

14 BY repealing and reenacting, without amendments,  
15 Article - Transportation  
16 Section 16-301 and 27-101(c)(12)  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2007 Supplement)

19 BY adding to  
20 Article - Transportation  
21 Section 27-101(bb)  
22 Annotated Code of Maryland  
23 (2006 Replacement Volume and 2007 Supplement)

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

26 **Article - Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16-301.

2 (a) A person may not knowingly or fraudulently obtain or attempt to obtain a  
3 driver's license by misrepresentation.

4 (b) A person may not in any application for a driver's license:

5 (1) Use a false or fictitious name;

6 (2) Knowingly make a false statement;

7 (3) Knowingly conceal a material fact;

8 (4) Use a false, fictitious, or fraudulently altered document; or

9 (5) Otherwise commit a fraud.

10 (c) A person may not display, cause or permit to be displayed, any canceled  
11 license.

12 (d) A person may not display, cause or permit to be displayed, any revoked  
13 license.

14 (e) A person may not display, cause or permit to be displayed, any suspended  
15 license.

16 (f) A person may not display, cause or permit to be displayed, any fictitious  
17 license.

18 (g) A person may not display, cause or permit to be displayed, any  
19 fraudulently altered license.

20 (h) A person may not possess any canceled license.

21 (i) A person may not possess any revoked license.

22 (j) A person may not possess any suspended license.

23 (k) A person may not possess any fictitious license.

24 (l) A person may not possess any fraudulently altered license.

25 (m) A person may not lend his license to any other person or knowingly  
26 permit the use of his license by another.

27 (n) A person may not display or represent as his own any license not issued  
28 to him.

1 (o) A person may not fail or refuse to surrender to the Administration on its  
2 lawful demand any license that has been suspended, revoked, or canceled.

3 (p) A person may not permit any unlawful use of a license issued to him.

4 (q) A person may not do any act forbidden or fail to perform any act required  
5 by this title.

6 27-101.

7 (c) Any person who is convicted of a violation of any of the provisions of the  
8 following sections of this article is subject to a fine of not more than \$500 or  
9 imprisonment for not more than 2 months or both:

10 (12) § 16-301 (“Unlawful application for or use of license”);

11 **(BB) (1) A PERSON WHO IS CONVICTED UNDER SUBSECTION (C)(12) OF**  
12 **THIS SECTION FOR A VIOLATION OF § 16-301 OF THIS ARTICLE AND WHO IS**  
13 **UNABLE TO PROVIDE DOCUMENTATION THAT IS ACCEPTABLE TO THE**  
14 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES CERTIFYING**  
15 **THAT THE PERSON IS LAWFULLY PRESENT IN THE UNITED STATES IN**  
16 **ACCORDANCE WITH FEDERAL LAW IS SUBJECT TO A MANDATORY MINIMUM**  
17 **PENALTY OF IMPRISONMENT FOR NOT LESS THAN 5 DAYS.**

18 **(2) THE PENALTY PROVIDED IN THIS SECTION IS MANDATORY**  
19 **AND IS NOT SUBJECT TO SUSPENSION OR PROBATION.**

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