

HOUSE BILL 387

R4
HB 1046/08 – JUD

9lr1543
CF 9lr2559

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

Introduced and read first time: February 2, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Drivers’ Licenses, Identification Cards, and Moped**
3 **Operators’ Permits – Proof of Legal Presence**

4 FOR the purpose of adding a requirement to provide certain documentation certifying
5 that 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 operators’ 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 2008 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 2008 Supplement)

6 BY adding to
7 Article – Transportation
8 Section 16–106(e)(4)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2008 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;

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

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

3 (4) **PROVIDES DOCUMENTATION ACCEPTABLE TO THE**
4 **ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED**
5 **STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN**
6 **ACCORDANCE WITH FEDERAL LAW; AND**

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

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

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

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

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

21 16–103.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 16-104.2.

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

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

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

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

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

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

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

8 **(3) PROVIDES DOCUMENTATION ACCEPTABLE TO THE**
9 **ADMINISTRATION CERTIFYING THAT THE APPLICANT IS EITHER A UNITED**
10 **STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN**
11 **ACCORDANCE WITH FEDERAL LAW.**

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

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

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

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

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

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

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

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

1 16-106.

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

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

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

12 16-115.

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

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

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

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

23 (ii) When a driver qualifies for a corrected license issued under §
24 16-114.1(c) of this subtitle.

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2009.

