

HOUSE BILL 659

R7
HB 1306/08 – JUD

9lr2012

By: **Delegates Gutierrez, Ali, Barnes, Carr, Carter, Hucker, Ivey, Lee, Manno, Pena-Melnyk, Ramirez, Reznik, V. Turner, Valderrama, and Vallario**

Introduced and read first time: February 9, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Federally Compliant Identification Cards – Issuance**

3 FOR the purpose of requiring the Motor Vehicle Administration to issue a federally
4 compliant identification card to any individual who meets certain requirements;
5 requiring the Administration, in determining what documentation is acceptable
6 to show a certain proof of U.S. citizenship or lawful presence in the United
7 States, to comply with the requirements of the federal REAL ID Act of 2005 and
8 certain amendments and regulations; requiring the Administration to ensure
9 that a federally compliant identification card issued under this Act is acceptable
10 for certain federal purposes; authorizing the Administration to establish a
11 certain fee; requiring a certain fee to be calculated to recover certain costs;
12 providing that a certain fee be retained by the Administration to recover certain
13 costs and not credited to a certain account; prohibiting a person from
14 committing fraud or misrepresentation in applying for or using a federally
15 compliant identification card; providing that the federally compliant
16 identification card is to be tamperproof, to the extent possible, and of the size
17 and design that the Administration requires; establishing the contents of a
18 federally compliant identification card; providing for the expiration and renewal
19 of a federally compliant identification card; establishing that a federally
20 compliant identification card does not replace a driver's license or alter certain
21 identification card or driver's license requirements; providing that a person may
22 have both a federally compliant identification card and a driver's license;
23 establishing that a person may not be required to apply for a federally
24 compliant identification card; authorizing the Administration to cancel a
25 federally compliant identification card under certain circumstances; requiring
26 the holder of a federally compliant identification card to surrender the card
27 under certain circumstances; providing for the construction of this Act; and
28 generally relating to the issuance of federally compliant identification cards by
29 the Motor Vehicle Administration.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Transportation
3 Section 12–302
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2008 Supplement)

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

8 **Article – Transportation**

9 **12–302.**

10 (A) THE ADMINISTRATION SHALL ISSUE A FEDERALLY COMPLIANT
11 IDENTIFICATION CARD TO ANY INDIVIDUAL WHO PRESENTS A COMPLETED
12 APPLICATION FOR THE FEDERALLY COMPLIANT IDENTIFICATION CARD ON A
13 FORM FURNISHED BY THE ADMINISTRATION, AND WHO:

14 (1) IS A RESIDENT OF THE STATE;

15 (2) PRESENTS A BIRTH CERTIFICATE OR OTHER PROOF OF AGE
16 AND IDENTITY ACCEPTABLE TO THE ADMINISTRATION; AND

17 (3) PRESENTS DOCUMENTATION ACCEPTABLE TO THE
18 ADMINISTRATION THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN
19 OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH
20 FEDERAL LAW.

21 (B) IN DETERMINING WHAT DOCUMENTATION IS ACCEPTABLE TO MEET
22 THE REQUIREMENTS OF SUBSECTION (A)(3) OF THIS SECTION, THE
23 ADMINISTRATION SHALL COMPLY WITH THE FEDERAL REAL ID ACT OF 2005
24 AND ANY ASSOCIATED AMENDMENTS OR REGULATIONS.

25 (C) THE ADMINISTRATION SHALL ENSURE THAT A FEDERALLY
26 COMPLIANT IDENTIFICATION CARD ISSUED UNDER THIS SECTION COMPLIES
27 WITH THE FEDERAL REAL ID ACT OF 2005 AND IS ACCEPTABLE AS FEDERAL
28 IDENTIFICATION BY A FEDERAL AGENCY FOR ANY OFFICIAL PURPOSE.

29 (D) (1) THE ADMINISTRATION SHALL ESTABLISH A FEE FOR THE
30 ISSUANCE OF A FEDERALLY COMPLIANT IDENTIFICATION CARD.

31 (2) THE FEE SHALL BE CALCULATED TO RECOVER THE COST
32 INCURRED BY THE ADMINISTRATION IN CARRYING OUT THE PROVISIONS OF
33 THIS SECTION.

1 **(3) THE FEE CHARGED UNDER THIS SECTION SHALL BE**
2 **RETAINED BY THE ADMINISTRATION FOR THE PURPOSE OF RECOVERING THE**
3 **ADMINISTRATION'S COSTS UNDER THIS SECTION, AND MAY NOT BE CREDITED**
4 **TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT FOR**
5 **DISTRIBUTION UNDER §§ 8-403 AND 8-404 OF THIS ARTICLE.**

6 **(E) A PERSON MAY NOT COMMIT ANY FRAUD IN APPLYING FOR A**
7 **FEDERALLY COMPLIANT IDENTIFICATION CARD ISSUED UNDER THIS SECTION.**

8 **(F) A PERSON MAY NOT COMMIT ANY MISREPRESENTATION IN**
9 **APPLYING FOR A FEDERALLY COMPLIANT IDENTIFICATION CARD ISSUED UNDER**
10 **THIS SECTION.**

11 **(G) A PERSON MAY NOT COMMIT ANY FRAUD IN USING A FEDERALLY**
12 **COMPLIANT IDENTIFICATION CARD ISSUED UNDER THIS SECTION.**

13 **(H) A PERSON MAY NOT MAKE ANY MISREPRESENTATION IN USING A**
14 **FEDERALLY COMPLIANT IDENTIFICATION CARD ISSUED UNDER THIS SECTION.**

15 **(I) (1) A FEDERALLY COMPLIANT IDENTIFICATION CARD SHALL BE:**

16 **(I) OF THE SIZE AND DESIGN THAT THE ADMINISTRATION**
17 **REQUIRES; AND**

18 **(II) TAMPERPROOF, TO THE EXTENT POSSIBLE.**

19 **(2) THE CARD SHALL CONTAIN:**

20 **(I) THE NAME AND ADDRESS OF THE APPLICANT;**

21 **(II) THE BIRTH DATE OF THE APPLICANT;**

22 **(III) THE SEX OF THE APPLICANT;**

23 **(IV) A DESCRIPTION OF THE APPLICANT;**

24 **(V) A COLOR PHOTOGRAPH OF THE APPLICANT TAKEN BY**
25 **THE PROCEDURE THAT THE ADMINISTRATION REQUIRES;**

26 **(VI) THE EXPIRATION DATE OF THE FEDERALLY COMPLIANT**
27 **IDENTIFICATION CARD;**

28 **(VII) THE SIGNATURE OF THE APPLICANT;**

1 (VIII) THE SIGNATURE AND SEAL OF THE ISSUING AGENT; AND

2 (IX) A PROMINENT NOTATION ON THE CARD THAT THE
3 IDENTIFICATION CARD IS "FEDERALLY COMPLIANT".

4 (J) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A
5 FEDERALLY COMPLIANT IDENTIFICATION CARD ISSUED TO AN APPLICANT AT
6 LEAST 16 YEARS OLD EXPIRES EVERY 5 YEARS.

7 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A
8 FEDERALLY COMPLIANT IDENTIFICATION CARD ISSUED TO AN APPLICANT
9 UNDER THE AGE OF 16 YEARS EXPIRES EVERY 2 YEARS.

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

15 (4) A FEDERALLY COMPLIANT IDENTIFICATION CARD MAY BE
16 RENEWED ON APPLICATION AND PAYMENT OF THE FEE REQUIRED BY THIS
17 SECTION.

18 (K) (1) THE ISSUANCE OF A FEDERALLY COMPLIANT IDENTIFICATION
19 CARD UNDER THIS SECTION DOES NOT:

20 (I) REPLACE THE ISSUANCE OF A DRIVER'S LICENSE; OR

21 (II) IN ANY WAY ALTER THE IDENTIFICATION CARD
22 REQUIREMENTS UNDER § 12-301 OF THIS SUBTITLE OR THE DRIVER LICENSING
23 REQUIREMENTS UNDER TITLE 16, SUBTITLE 1 OF THIS ARTICLE.

24 (2) A PERSON MAY HOLD BOTH A DRIVER'S LICENSE AND A
25 FEDERALLY COMPLIANT IDENTIFICATION CARD.

26 (3) A PERSON MAY NOT BE REQUIRED TO APPLY FOR A
27 FEDERALLY COMPLIANT IDENTIFICATION CARD.

28 (L) (1) THE ADMINISTRATION MAY CANCEL A FEDERALLY
29 COMPLIANT IDENTIFICATION CARD ISSUED UNDER THIS SECTION IF THE
30 ADMINISTRATION DETERMINES THAT THE HOLDER OF THE FEDERALLY
31 COMPLIANT IDENTIFICATION CARD:

1 **(I) WAS NOT ENTITLED TO BE ISSUED THE FEDERALLY**
2 **COMPLIANT IDENTIFICATION CARD;**

3 **(II) FAILED TO PROVIDE ACCURATE OR REQUIRED**
4 **INFORMATION IN THE APPLICATION FOR THE FEDERALLY COMPLIANT**
5 **IDENTIFICATION CARD;**

6 **(III) FRAUDULENTLY APPLIED FOR OR OBTAINED THE**
7 **FEDERALLY COMPLIANT IDENTIFICATION CARD; OR**

8 **(IV) IS OTHERWISE IN VIOLATION OF SUBSECTION (E), (F),**
9 **(G), OR (H) OF THIS SECTION.**

10 **(2) IF THE ADMINISTRATION CANCELS A FEDERALLY COMPLIANT**
11 **IDENTIFICATION CARD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**
12 **HOLDER OF THE FEDERALLY COMPLIANT IDENTIFICATION CARD IMMEDIATELY**
13 **SHALL SURRENDER THE CANCELED FEDERALLY COMPLIANT IDENTIFICATION**
14 **CARD TO THE ADMINISTRATION.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may
16 be construed to alter the requirements for obtaining an identification card under §
17 12-301 of the Transportation Article or the requirements for obtaining a driver's
18 license under Title 16, Subtitle 1 of the Transportation Article.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2009.