

# HOUSE BILL 742

R4

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By: **Delegates Ivey, Ali, Anderson, Barkley, Barnes, Bartlett, Barve, Beidle, Benson, Bobo, Bohanan, Branch, Bronrott, Burns, Cane, Carr, Carter, V. Clagett, Conaway, Davis, Doory, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Jameson, Jones, Kaiser, Kirk, Kramer, Krysiak, Kullen, Lafferty, Lee, Levy, Love, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan-Pulliam, Niemann, Oaks, Pena-Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuler, Shewell, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker**

Introduced and read first time: February 10, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Lawful Presence – Identification Card**

3 FOR the purpose of requiring the Motor Vehicle Administration to issue a “lawful  
4 presence” identification card under certain circumstances to a resident of the  
5 State who is a citizen of the United States or is otherwise lawfully present in  
6 the United States; prohibiting a person from committing fraud or  
7 misrepresentation in applying for or using an identification card issued under  
8 this Act; establishing certain criminal penalties; providing for certain features  
9 and contents of an identification card issued under this Act; authorizing the  
10 Administration to cancel an identification card issued under this Act under  
11 certain circumstances; requiring the holder of an identification card issued  
12 under this Act to surrender the card under certain circumstances; providing for  
13 a certain fee; providing for the construction of this Act; and generally relating to  
14 requiring the Administration to issue certain identification cards under certain  
15 circumstances to residents of the State who are lawfully present in the United  
16 States.

17 BY adding to  
18 Article – Transportation  
19 Section 12-302  
20 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 27–101(c)(1)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

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

**Article – Transportation**

**12–302.**

(A) THE ADMINISTRATION SHALL ISSUE A “LAWFUL PRESENCE”  
IDENTIFICATION CARD TO ANY INDIVIDUAL WHO PRESENTS A COMPLETED  
APPLICATION FOR THE IDENTIFICATION CARD ON A FORM FURNISHED BY THE  
ADMINISTRATION, AND WHO:

(1) IS A RESIDENT OF THE STATE;

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

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

(B) (1) (I) THE ADMINISTRATION SHALL ESTABLISH A FEE FOR  
THE ISSUANCE OF AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

(II) THE ADMINISTRATION MAY NOT REQUIRE A FEE FOR  
AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION IF A FEE IS NOT  
REQUIRED FOR AN APPLICANT FOR A SPECIAL IDENTIFICATION CARD UNDER §  
12–301 OF THIS SUBTITLE.

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

(3) THE FEE CHARGED UNDER THIS SECTION SHALL BE  
RETAINED BY THE ADMINISTRATION FOR THE PURPOSE OF RECOVERING THE  
ADMINISTRATION’S COSTS UNDER THIS SECTION, AND MAY NOT BE CREDITED

1 TO THE GASOLINE AND MOTOR VEHICLE REVENUE ACCOUNT FOR  
2 DISTRIBUTION UNDER §§ 8-403 AND 8-404 OF THIS ARTICLE.

3 (C) A PERSON MAY NOT:

4 (1) COMMIT ANY FRAUD IN APPLYING FOR AN IDENTIFICATION  
5 CARD ISSUED UNDER THIS SECTION;

6 (2) COMMIT ANY MISREPRESENTATION IN APPLYING FOR AN  
7 IDENTIFICATION CARD ISSUED UNDER THIS SECTION;

8 (3) COMMIT ANY FRAUD IN USING AN IDENTIFICATION CARD  
9 ISSUED UNDER THIS SECTION; OR

10 (4) MAKE ANY MISREPRESENTATION IN USING AN  
11 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

12 (D) (1) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION  
13 SHALL BE:

14 (I) OF THE SIZE AND DESIGN THAT THE ADMINISTRATION  
15 REQUIRES; AND

16 (II) TAMPERPROOF, TO THE EXTENT POSSIBLE.

17 (2) THE IDENTIFICATION CARD SHALL CONTAIN:

18 (I) THE NAME AND ADDRESS OF THE APPLICANT;

19 (II) THE BIRTH DATE OF THE APPLICANT;

20 (III) THE SEX OF THE APPLICANT;

21 (IV) A DESCRIPTION OF THE APPLICANT;

22 (V) A COLOR PHOTOGRAPH OF THE APPLICANT TAKEN BY  
23 THE PROCEDURE THAT THE ADMINISTRATION REQUIRES;

24 (VI) THE EXPIRATION DATE OF THE IDENTIFICATION CARD;

25 (VII) THE SIGNATURE OF THE APPLICANT; AND

26 (VIII) THE SIGNATURE AND SEAL OF THE ISSUING AGENT.

1           (E)    AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION MAY BE  
2 USED FOR ANY PURPOSE AS LEGAL IDENTIFICATION OF THE INDIVIDUAL TO  
3 WHOM IT IS ISSUED.

4           (F)    (1)   AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION TO  
5 AN APPLICANT AT LEAST 16 YEARS OLD EXPIRES EVERY 5 YEARS.

6                   (2)   AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION TO  
7 AN APPLICANT UNDER THE AGE OF 16 YEARS EXPIRES EVERY 2 YEARS.

8                   (3)   AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION MAY  
9 BE RENEWED ON APPLICATION AND PAYMENT OF THE FEE REQUIRED BY THIS  
10 SECTION.

11           (G)    (1)   EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, THIS  
12 SECTION MAY NOT BE CONSTRUED AS ALTERING ANY OTHER PROVISION OF  
13 LAW.

14                   (2)   A PERSON MAY HOLD BOTH A DRIVER'S LICENSE AND AN  
15 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

16                   (3)   A PERSON MAY NOT HOLD BOTH A SPECIAL IDENTIFICATION  
17 CARD ISSUED UNDER § 12-301 OF THIS SUBTITLE AND AN IDENTIFICATION  
18 CARD ISSUED UNDER THIS SECTION.

19                   (4)   A PERSON MAY NOT BE REQUIRED TO APPLY FOR AN  
20 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

21           (H)    (1)   THE ADMINISTRATION MAY CANCEL AN IDENTIFICATION  
22 CARD ISSUED UNDER THIS SECTION IF THE ADMINISTRATION DETERMINES  
23 THAT THE HOLDER OF THE IDENTIFICATION CARD:

24                           (I)   WAS NOT ENTITLED TO BE ISSUED THE IDENTIFICATION  
25 CARD;

26                           (II)   FAILED TO PROVIDE ACCURATE OR REQUIRED  
27 INFORMATION IN THE APPLICATION FOR THE IDENTIFICATION CARD;

28                           (III)   FRAUDULENTLY APPLIED FOR OR OBTAINED THE  
29 IDENTIFICATION CARD; OR

30                           (IV)   IS OTHERWISE IN VIOLATION OF SUBSECTION (C) OF  
31 THIS SECTION.

1           **(2) IF THE ADMINISTRATION CANCELS AN IDENTIFICATION CARD**  
2 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HOLDER OF THE**  
3 **IDENTIFICATION CARD IMMEDIATELY SHALL SURRENDER THE CANCELED**  
4 **IDENTIFICATION CARD TO THE ADMINISTRATION.**

5 27-101.

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

9           (1) § 12-301(c), (d), (e), or (f) ("Special identification cards: Fraud and  
10 misrepresentation prohibited") **OR § 12-302(C) ("LAWFUL PRESENCE**  
11 **IDENTIFICATION CARDS: FRAUD AND MISREPRESENTATION PROHIBITED")**;

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