

HOUSE BILL 1226

R4

9lr3151

By: **Delegates Ivey, Vallario, Ali, Anderson, Barnes, Dumais, Gutierrez, Huckler, Lee, Pena–Melnyk, Ramirez, Reznik, Rice, and Valderrama**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Lawful Presence – Identification Card, Moped Operator’s**
3 **Permit, or Driver’s License**

4 FOR the purpose of requiring an applicant for an identification card, moped operator’s
5 permit, or driver’s license issued by the Motor Vehicle Administration to provide
6 documentation acceptable to the Administration that the applicant is a United
7 States citizen or is lawfully present in the United States in accordance with
8 federal law; providing for the effective term of an identification card, moped
9 operator’s permit, or driver’s license issued to certain applicants; requiring the
10 Administration to issue an identification card, moped operator’s permit, or
11 driver’s license, with certain distinguishing features, to an applicant who is
12 otherwise eligible for the identification card, moped operator’s permit, or
13 driver’s license, but who does not provide certain documentation that the
14 applicant is a United States citizen or is lawfully present in the United States in
15 accordance with federal law; clarifying language; and generally relating to the
16 issuance of an identification card, moped operator’s permit, or driver’s license
17 and lawful presence in the United States.

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 12–301(a) and (i), 16–104.2(a) and (e), and 16–115(a)(1) and (2)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2008 Supplement)

23 BY adding to
24 Article – Transportation
25 Section 16–106(e)(4), 16–115(a)(5), and 16–121
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2008 Supplement)

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



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

3 **Article – Transportation**

4 12–301.

5 (a) On application, the Administration shall issue an identification card to
6 any [individual] **APPLICANT** who:

7 (1) Is a resident of this State;

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

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

11 (4) **PROVIDES DOCUMENTATION ACCEPTABLE TO THE**
12 **ADMINISTRATION THAT THE APPLICANT IS A UNITED STATES CITIZEN OR IS**
13 **LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL**
14 **LAW; AND**

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

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

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

22 (3) **THE EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED**
23 **TO AN APPLICANT 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 APPLICANT IS AUTHORIZED TO REMAIN IN THE UNITED STATES**
26 **IN ACCORDANCE WITH FEDERAL LAW.**

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

29 16–104.2.

30 (a) On application, the Administration shall issue a moped operator’s permit
31 to an [individual] **APPLICANT** who [is]:

1 (1) **IS AT LEAST** 16 years [of age or older, and who does] **OLD**;

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

5 (3) **PROVIDES DOCUMENTATION ACCEPTABLE TO THE**
6 **ADMINISTRATION THAT THE APPLICANT IS A UNITED STATES CITIZEN OR IS**
7 **LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL**
8 **LAW.**

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

11 (2) **THE EFFECTIVE TERM OF A MOPED OPERATOR'S PERMIT**
12 **ISSUED TO AN APPLICANT WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS**
13 **LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF**
14 **TIME THAT THE APPLICANT IS AUTHORIZED TO REMAIN IN THE UNITED STATES**
15 **IN ACCORDANCE WITH FEDERAL LAW.**

16 (3) **[It] A MOPED OPERATOR'S PERMIT** may be renewed on
17 application and payment of the fee required by subsection (f) of this section.

18 16-106.

19 (e) (4) **AN APPLICANT FOR A DRIVER'S LICENSE SHALL PROVIDE**
20 **DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION THAT THE APPLICANT**
21 **IS A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED**
22 **STATES IN ACCORDANCE WITH FEDERAL LAW.**

23 16-115.

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

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

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

1 **16-121.**

2 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE
3 ADMINISTRATION SHALL, SUBJECT TO SUBSECTION (B) OF THIS SECTION, ISSUE
4 AN IDENTIFICATION CARD, MOPEL OPERATOR'S PERMIT, OR DRIVER'S LICENSE
5 TO AN APPLICANT WHO:

6 (1) DOES NOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE
7 ADMINISTRATION THAT THE APPLICANT IS A UNITED STATES CITIZEN OR IS
8 LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL
9 LAW; AND

10 (2) IS OTHERWISE ELIGIBLE UNDER THIS ARTICLE FOR THE
11 ISSUANCE OF THE IDENTIFICATION CARD, MOPEL OPERATOR'S PERMIT, OR
12 DRIVER'S LICENSE.

13 (B) EACH IDENTIFICATION CARD, MOPEL OPERATOR'S PERMIT, AND
14 DRIVER'S LICENSE ISSUED IN ACCORDANCE WITH THIS SECTION SHALL:

15 (1) CLEARLY STATE ON ITS FACE AND IN ITS
16 MACHINE-READABLE ZONE THAT IT IS NOT ACCEPTABLE BY FEDERAL AGENCIES
17 FOR OFFICIAL PURPOSES; AND

18 (2) HAVE A UNIQUE DESIGN OR COLOR INDICATOR THAT
19 CLEARLY DISTINGUISHES IT FROM THE DESIGN OR COLOR OF AN
20 IDENTIFICATION CARD, MOPEL OPERATOR'S PERMIT, OR DRIVER'S LICENSE
21 ISSUED TO AN APPLICANT WHO PROVIDES DOCUMENTATION ACCEPTABLE TO
22 THE ADMINISTRATION THAT THE APPLICANT IS A UNITED STATES CITIZEN OR
23 IS OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE
24 WITH FEDERAL LAW.

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