

SENATE BILL 208

R4

9lr1385

By: **Senators Brinkley and Pipkin**

Introduced and read first time: January 23, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Drivers' Licenses and Identification Cards - Lawful Presence**
3 **in United States**

4 FOR the purpose of adding the requirement to provide certain documentation
5 certifying that an individual is either a United States citizen or is lawfully
6 present in the United States in accordance with federal law to the requirements
7 for the issuance of a driver's license or an identification card; prohibiting the
8 Motor Vehicle Administration from issuing a driver's license to an individual
9 who cannot provide certain documentation certifying that the individual is
10 either a United States citizen or is lawfully present in the United States in
11 accordance with federal law; limiting the effective term of a driver's license or
12 identification card issued to certain individuals; and generally relating to
13 drivers' licenses and identification cards and legal presence in the United
14 States.

15 BY repealing and reenacting, without amendments,
16 Article - Transportation
17 Section 11-128 and 16-106(a) and (e)(1)
18 Annotated Code of Maryland
19 (2006 Replacement Volume and 2008 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Transportation
22 Section 12-301(a) and (i), 16-103.1, and 16-115(a)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2008 Supplement)

25 BY adding to
26 Article - Transportation
27 Section 16-106(e)(4)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume and 2008 Supplement)

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

4 **Article – Transportation**

5 11–128.

6 “License”, as used in reference to the operation of a motor vehicle, means any:

7 (1) Driver’s license; and

8 (2) Any other license or permit to drive a motor vehicle that is issued
9 under or granted by the laws of this State, including:

10 (i) Any temporary license;

11 (ii) A learner’s instructional permit;

12 (iii) A provisional license;

13 (iv) The privilege of any individual to drive a motor vehicle,
14 whether or not that individual is formally licensed by this or any other jurisdiction;

15 (v) Any nonresident’s privilege to drive, as defined in this
16 subtitle; and

17 (vi) A commercial driver’s license.

18 12–301.

19 (a) On application, the Administration shall issue an identification card to
20 any individual who:

21 (1) Is a resident of this State;

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

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

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

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

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

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

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

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

15 16–103.1.

16 The Administration may not issue a driver’s license to an individual:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 16-106.

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

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

24 (4) **AN APPLICANT FOR A DRIVER'S LICENSE SHALL SUBMIT WITH**
25 **THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION**
26 **CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS**
27 **LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL**
28 **LAW.**

29 16-115.

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

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

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

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

8 (ii) When a driver qualifies for a corrected license issued under §
9 16–114.1(c) of this subtitle.

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

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

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