

# SENATE BILL 369

R4

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CF HB 195

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By: **Senators Stone, Jacobs, Klausmeier, and Simonaire**

Introduced and read first time: January 30, 2009

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Proof of Lawful Presence Act of 2009**

3 FOR the purpose of requiring the Motor Vehicle Administration to issue an  
4 identification card or a moped operator's permit to an individual who, in  
5 addition to meeting certain other requirements, provides certain documentation  
6 certifying that an individual is either a United States citizen or is lawfully  
7 present in the United States in accordance with federal law; prohibiting the  
8 Administration from issuing a driver's license to an individual who cannot  
9 provide certain documentation certifying that the individual is either a United  
10 States citizen or is lawfully present in the United States in accordance with  
11 federal law; providing that the effective term of an identification card, driver's  
12 license, or moped operator's permit issued to a certain individual may not  
13 exceed the time that the individual is authorized to remain in the United States  
14 in accordance with federal law; altering a certain provision that requires a  
15 driver's license application to include a Social Security number to apply only to  
16 an applicant who is eligible for a Social Security number; requiring an applicant  
17 for a driver's license who is not eligible for a Social Security number to provide  
18 certain documentation to the Administration; requiring an applicant for a  
19 driver's license to submit certain documentation with the application; clarifying  
20 language; and generally relating to the issuance of driver's licenses, moped  
21 operator's permits, and identification cards and proof of lawful presence in the  
22 United States.

23 BY repealing and reenacting, without amendments,  
24 Article – Transportation  
25 Section 11–128 and 16–106(a), (b), and (e)(1)  
26 Annotated Code of Maryland  
27 (2006 Replacement Volume and 2008 Supplement)

28 BY repealing and reenacting, with amendments,  
29 Article – Transportation

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 12–301(a) and (i), 16–103.1, 16–104.2, 16–106(c), and 16–115(a)  
2 Annotated Code of Maryland  
3 (2006 Replacement Volume and 2008 Supplement)

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

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

11 **Article – Transportation**

12 11–128.

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

14 (1) Driver’s license; and

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

17 (i) Any temporary license;

18 (ii) A learner’s instructional permit;

19 (iii) A provisional license;

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

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

24 (vi) A commercial driver’s license.

25 12–301.

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

28 (1) Is a resident of this State;

29 (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 INDIVIDUAL 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] A MOPED OPERATOR'S PERMIT** may be renewed on  
28 application and payment of the fee required 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.

33 16-106.

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

3 (b) The application shall state:

4 (1) The full name, Maryland residence address, employer, race, sex,  
5 height, weight, general physical condition, and date of birth of the applicant;

6 (2) Whether the applicant previously has been refused a license to  
7 drive and, if so:

8 (i) By what state or country; and

9 (ii) The date of and reason for the refusal;

10 (3) Whether the applicant previously has been licensed to drive and, if  
11 so:

12 (i) When and by what state or country; and

13 (ii) Whether the license ever has been suspended, revoked, or  
14 canceled and, if so, the date of and reason for the suspension, revocation, or  
15 cancellation;

16 (4) Subject to the provisions of subsection (c) of this section, the  
17 applicant's Social Security number; and

18 (5) Any other pertinent information that the Administration requires.

19 (c) (1) Subsection (b)(4) of this section applies only to an applicant who  
20 [has] **IS ELIGIBLE FOR** a Social Security number.

21 (2) If an applicant [does not have] **IS NOT ELIGIBLE FOR** a Social  
22 Security number, the applicant shall [certify in the application that the applicant does  
23 not have] **PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION**  
24 **CERTIFYING THAT THE APPLICANT IS NOT ELIGIBLE FOR** a Social Security  
25 number.

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

29 (4) **AN APPLICANT FOR A DRIVER'S LICENSE SHALL SUBMIT WITH**  
30 **THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION**  
31 **CERTIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS**

1 **LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL**  
2 **LAW.**

3 16–115.

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

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

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

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

14 (ii) When a driver qualifies for a corrected license issued under §  
15 16–114.1(c) of this subtitle.

16 (4) Except as provided in subsection (e) of this section, the  
17 Administration may not renew an individual’s license for more than one consecutive  
18 term without requiring the individual to appear in person at an office of the  
19 Administration.

20 **(5) THE EFFECTIVE TERM OF A DRIVER’S LICENSE ISSUED TO AN**  
21 **INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY**  
22 **PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT**  
23 **THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN**  
24 **ACCORDANCE WITH FEDERAL LAW.**

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