

SENATE BILL 369

R4

9lr1690
CF HB 195

By: **Senators Stone, Greenip, Brinkley, Brochin, Pipkin, Jacobs, Klausmeier,
and Simonaire Simonaire, Haines, and Mooney**

Introduced and read first time: January 30, 2009

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2009

CHAPTER _____

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~~ verifying that an individual is either a United States citizen or is
7 lawfully present in the United States in accordance with federal law and that
8 the individual has a valid Social Security number or is not eligible for a Social
9 Security number; prohibiting the Administration from issuing a driver's license
10 to an individual who cannot provide certain documentation ~~certifying~~ verifying
11 that the individual is either a United States citizen or is lawfully present in the
12 United States in accordance with federal law; providing that the effective term
13 of an identification card, driver's license, or moped operator's permit issued to a
14 certain individual may not exceed the time that the individual is authorized to
15 remain in the United States in accordance with federal law; altering the
16 expiration dates for an identification card, a moped operator's permit, and
17 certain drivers' licenses; altering a certain provision that requires a driver's
18 license application to include a Social Security number to apply only to an
19 applicant who is eligible for a Social Security number; ~~requiring an applicant for~~
20 ~~a driver's license who is not eligible for a Social Security number to provide~~
21 ~~certain documentation to the Administration~~ altering a certain provision
22 relating to an applicant for a driver's license who does not have a Social
23 Security number to require an applicant to provide certain documentation
24 verifying that the individual has a valid Social Security number or is not
25 eligible for a Social Security number; requiring an applicant for a driver's

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 license to submit certain documentation with the application; altering certain
 2 requirements relating to renewal of a driver's license; clarifying language;
 3 making a stylistic change; and generally relating to the issuance of driver's
 4 licenses, moped operator's permits, and identification cards and proof of lawful
 5 presence in the United States.

6 BY repealing and reenacting, without amendments,
 7 Article – Transportation
 8 Section 11–128 and 16–106(a), ~~(b)~~ (d), and (e)(1)
 9 Annotated Code of Maryland
 10 (2006 Replacement Volume and 2008 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – Transportation
 13 Section 12–301(a) and (i), 16–103.1, 16–104.2, ~~16–106(e)~~ 16–106(b) and (c), and
 14 16–115(a)
 15 Annotated Code of Maryland
 16 (2006 Replacement Volume and 2008 Supplement)

17 BY adding to
 18 Article – Transportation
 19 Section 16–106(e)(4)
 20 Annotated Code of Maryland
 21 (2006 Replacement Volume and 2008 Supplement)

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

24 **Article – Transportation**

25 11–128.

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

- 27 (1) Driver's license; and
- 28 (2) Any other license or permit to drive a motor vehicle that is issued
 29 under or granted by the laws of this State, including:
- 30 (i) Any temporary license;
- 31 (ii) A learner's instructional permit;
- 32 (iii) A provisional license;
- 33 (iv) The privilege of any individual to drive a motor vehicle,
 34 whether or not that individual is formally licensed by this or any other jurisdiction;

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

3 (vi) A commercial driver’s license.

4 12–301.

5 (a) On application, the Administration shall issue an identification card to
 6 any individual 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 ~~CERTIFYING~~ VERIFYING THAT THE INDIVIDUAL IS EITHER A**
 13 **UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN**
 14 **ACCORDANCE WITH FEDERAL LAW; ~~AND~~**

15 (5) **PROVIDES DOCUMENTATION ACCEPTABLE TO THE**
 16 **ADMINISTRATION VERIFYING THAT THE APPLICANT:**

17 (I) **HAS A VALID SOCIAL SECURITY NUMBER; OR**

18 (II) **IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER;**

19 **AND**

20 (6) Presents a completed application for an identification card on a
 21 form furnished by the Administration.

22 (i) (1) [An] **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN**
 23 **identification card issued to an applicant at least 16 years old expires ~~every 5 years~~ AT**
 24 **THE END OF A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION, BUT**
 25 **NOT EXCEEDING 8 YEARS.**

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

29 (3) **THE EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED**
 30 **TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS**
 31 **LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF**

1 **TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES**
2 **IN ACCORDANCE WITH FEDERAL LAW.**

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

5 16–103.1.

6 The Administration may not issue a driver's license to an individual:

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

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

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

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

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

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

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

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

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

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

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

4 (10) **WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO**
5 **THE ADMINISTRATION ~~CERTIFYING~~ VERIFYING THAT THE INDIVIDUAL:**

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

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

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

10 16–104.2.

11 (a) On application, the Administration shall issue a moped operator's permit
12 to an individual:

13 (1) [who] **WHO** is 16 years of age or [older, and who] **OLDER;**

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

17 (3) **WHO IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY**
18 **PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

19 (b) An applicant is entitled to receive a moped operator's permit if the
20 applicant:

21 (1) Passes the examination provided for in § 16–110(c)(1) of this
22 subtitle; [and]

23 (2) Pays the fee provided for in this section; ~~AND~~

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

28 (4) **PROVIDES DOCUMENTATION ACCEPTABLE TO THE**
29 **ADMINISTRATION VERIFYING THAT THE APPLICANT:**

30 (I) **HAS A VALID SOCIAL SECURITY NUMBER; OR**

1 (ii) The date of and reason for the refusal;
 2 (3) Whether the applicant previously has been licensed to drive and, if
 3 so:

4 (i) When and by what state or country; and
 5 (ii) Whether the license ever has been suspended, revoked, or
 6 canceled and, if so, the date of and reason for the suspension, revocation, or
 7 cancellation;

8 (4) ~~Subject to the provisions of subsection (c) of this section~~ **IF AN**
 9 **APPLICANT IS ELIGIBLE FOR A SOCIAL SECURITY NUMBER**, the applicant's Social
 10 Security number; and

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

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

14 ~~(2) If an applicant [does not have] IS NOT ELIGIBLE FOR a Social~~
 15 ~~Security number, the applicant shall [certify in the application that the applicant does~~
 16 ~~not have] **PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION**~~
 17 ~~**CERTIFYING THAT THE APPLICANT IS NOT ELIGIBLE FOR a Social Security**~~
 18 ~~number. **THE APPLICANT SHALL PROVIDE DOCUMENTATION ACCEPTABLE TO**~~
 19 ~~**THE ADMINISTRATION VERIFYING THAT THE APPLICANT:**~~

20 **(1) HAS A VALID SOCIAL SECURITY NUMBER; OR**

21 **(2) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER.**

22 (d) The applicant shall sign the application and certify that the statements
 23 made in it are true.

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

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

1 (a) (1) [A] **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A**
 2 license issued under this title to a driver at least 21 years old shall expire on the birth
 3 date of the licensee ~~in the fifth~~ **IN A YEAR DETERMINED BY THE ADMINISTRATION,**
 4 **BUT NOT LATER THAN THE EIGHTH** year following the issuance of the license.

5 (2) [A] **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A**
 6 license issued under this title to a driver under the age of 21 years shall expire **NOT**
 7 **LATER THAN** 60 days after the driver's 21st birthday.

8 (3) A license is renewable on the presentation of an application **AND**
 9 **ANY OTHER DOCUMENTATION REQUIRED BY THE ADMINISTRATION,** the payment
 10 of the renewal fee required by § 16-111.1 of this subtitle, and satisfactory completion
 11 of the examination required or authorized by subsection (h) of this section:

12 (i) Within ~~6 months before its expiration~~ **A PERIOD OF TIME**
 13 **DETERMINED BY THE ADMINISTRATION;** 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.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.