

# CHAPTER 390

(House Bill 387)

AN ACT concerning

## ~~Vehicle Laws – Drivers’ Licenses, Identification Cards, and Moped Operators’ Permits – Proof of Legal Presence~~

### Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

~~FOR the purpose of adding a requirement to provide certain documentation certifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law to the requirements for the issuance of a driver’s license, an identification card, or a moped operator’s permit; prohibiting the Motor Vehicle Administration from issuing a driver’s license to an individual who cannot provide certain documentation certifying that the individual is either a United States citizen or is lawfully present in the United States in accordance with federal law; prohibiting the Administration from issuing to certain individuals a driver’s license, identification card, or moped operator’s permit that has certain effective terms; making a certain technical correction; and generally relating to individuals who are not lawfully present in the United States and the issuance of identification cards, drivers’ licenses, and moped operators’ permits.~~

FOR the purpose of prohibiting the Motor Vehicle Administration from issuing or renewing an identification card, a moped operator’s permit, or a license to drive issued by the Administration that is acceptable by federal agencies for certain official purposes unless an applicant for the issuance or renewal provides certain evidence of the applicant’s lawful status in the United States and certain evidence relating to a Social Security number; authorizing the Administration to adopt regulations to alter certain expiration periods for identification cards, a moped operators’ permits, and licenses to drive; providing for the issuance, expiration, and certain features of temporary identification cards ~~or, temporary moped operators’ permits, or temporary licenses to drive~~ under certain circumstances to applicants who have temporary lawful status in the United States; requiring the Administration to issue or renew under certain circumstances an identification card, a moped operator’s permit, or a ~~driver’s license~~ license to drive that is not acceptable by federal agencies for certain official purposes; ~~authorizing the Administration to refuse to issue or renew, cancel, suspend, revoke, or require surrender of, under certain circumstances, a certain identification card, moped operator’s permit, or license to drive that is not acceptable by federal agencies for certain official purposes;~~ authorizing the Administration to establish a ~~certain fee~~ certain fees; requiring the

Administration to establish a certain security plan; requiring a certain application fee to be paid at a certain time; requiring an application fee for an identification card, moped operator's permit, or license to drive to be nonrefundable; prohibiting a person from obtaining or attempting to obtain a license to drive or a moped operator's permit by misrepresentation or fraud; providing for certain criminal penalties; altering certain criminal penalties concerning misrepresentation or fraud relating to applying for an identification card issued by the Administration; altering certain penalties concerning obtaining or attempting to obtain a driver's license or applying for a driver's license; requiring the Administration to adopt certain regulations; defining certain terms; clarifying language; making this Act an emergency measure; and generally relating to identification cards, moped operators' permits, and licenses to drive issued or renewed by the Administration.

~~BY repealing and reenacting, without amendments,  
Article — Transportation  
Section 11-128 and 16-106(a) and (c)(1)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,  
Article — Transportation  
Section 12-301(a) and (i), 16-103.1, 16-104.2, and 16-115(a)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)~~

~~BY adding to  
Article — Transportation  
Section 16-106(c)(4)  
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:~~

BY renumbering  
Article – Transportation  
Section 11-127.1 and 11-127.2, respectively  
to be Section 11-127.2 and 11-127.3, respectively  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

BY adding to  
Article – Transportation  
Section 11-127.1, 11-165.1, 16-106(e)(4), 16-115(a)(5) and (6), 16-121 through  
16-124, and 27-101(cc)

Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation  
Section 11–128, 12–120(d), 12–301(c) and (d), and 16–106(b)(4)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation  
Section 12–301(a) and (i), 16–103.1, 16–104.2, 16–106(c), 16–115(a)(1) and (2),  
16–301(a) and (b), and 27–101(c)(1) and (12)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
MARYLAND, That Section(s) 11–127.1 and 11–127.2, respectively, of  
Article – Transportation of the Annotated Code of Maryland be renumbered to be  
Section(s) 11–127.2 and 11–127.3, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
read as follows:

### **Article – Transportation**

#### **11–127.1.**

**“LAWFUL STATUS” MEANS, WITH RESPECT TO THE STATUS OF AN**  
**APPLICANT FOR AN IDENTIFICATION CARD, A MOPED OPERATOR’S PERMIT, OR A**  
**LICENSE TO DRIVE ISSUED BY THE ADMINISTRATION, THAT THE APPLICANT**  
**HAS LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE**  
**SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;**

**(1) IS A CITIZEN OR NATIONAL OF THE UNITED STATES;**

**(2) IS LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY**  
**RESIDENCE IN THE UNITED STATES;**

**(3) HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE**  
**UNITED STATES;**

**(4) HAS AN APPROVED APPLICATION FOR ASYLUM IN THE**  
**UNITED STATES OR HAS ENTERED INTO THE UNITED STATES IN REFUGEE**  
**STATUS;**

~~(5) HAS A VALID NONIMMIGRANT STATUS IN THE UNITED STATES;~~

~~(6) HAS A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES;~~

~~(7) HAS A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS IN THE UNITED STATES;~~

~~(8) HAS APPROVED DEFERRED ACTION STATUS IN THE UNITED STATES; OR~~

~~(9) HAS A PENDING APPLICATION FOR LAWFUL PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.~~

11-128.

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

- (1) Driver’s license; and
- (2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:
  - (i) Any temporary license;
  - (ii) A learner’s instructional permit;
  - (iii) A provisional license;
  - (iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;
  - (v) Any nonresident’s privilege to drive, as defined in this subtitle; and
  - (vi) A commercial driver’s license.

### 11-165.1.

“TEMPORARY LAWFUL STATUS” MEANS, WITH RESPECT TO THE STATUS OF AN APPLICANT FOR AN IDENTIFICATION CARD, A MOPED OPERATOR’S PERMIT, OR A LICENSE TO DRIVE ISSUED BY THE ADMINISTRATION, THAT THE

APPLICANT HAS TEMPORARY LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

- ~~(1) A VALID NONIMMIGRANT STATUS IN THE UNITED STATES;~~
- ~~(2) A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES;~~
- ~~(3) A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS IN THE UNITED STATES;~~
- ~~(4) APPROVED DEFERRED ACTION STATUS IN THE UNITED STATES; OR~~
- ~~(5) A PENDING APPLICATION FOR LAWFUL PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.~~

12-120.

(d) The Administration shall set the levels of miscellaneous fees so that the total amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at least 95 percent but does not exceed 100 percent of the sum of:

- (1) The operating budget of the Administration for that fiscal year as approved by the General Assembly in the annual State budget;
- (2) The average annual capital program of the Administration as reported in the 6-year Consolidated Transportation Program described in § 2-103.1 of this article; and
- (3) The Administration's portion of the cost for that fiscal year of the Department's data center operations, except for the cost of data center operations attributable to other administrations' activities.

12-301.

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

- (1) Is a resident of this State;
- (2) Does not have a driver's license;

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

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

(4) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS;

(5) (I) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A *VALID* SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A *CURRENT* W-2 FORM;
2. A *CURRENT* SSA-1099 FORM;
3. A *CURRENT* NON-SSA-1099 FORM; OR
4. A *CURRENT* PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY; AND

~~(5) (6)~~ Presents a completed application for an identification card on a form furnished by the Administration.

(c) A person may not commit any fraud in applying for an identification card issued under this section.

(d) A person may not commit any misrepresentation in applying for an identification card issued under this section.

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

**THE END OF A PERIOD OF NOT MORE THAN 8 5 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION.**

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

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

(3) (I) **IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE AN IDENTIFICATION CARD TO THE APPLICANT FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.**

(II) **NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF AN IDENTIFICATION CARD FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.**

(III) **THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE-READABLE ZONE OF A TEMPORARY IDENTIFICATION CARD ISSUED UNDER THIS PARAGRAPH THAT THE CARD IS A TEMPORARY IDENTIFICATION CARD.**

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

16-103.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(I) IS A UNITED STATES CITIZEN; OR~~

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

(10) WHO DOES NOT PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE OF LAWFUL STATUS;

(11) WHO DOES NOT PROVIDE:



(I) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A VALID SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A CURRENT W-2 FORM;
2. A CURRENT SSA-1099 FORM;
3. A CURRENT NON-SSA-1099 FORM; OR
4. A CURRENT PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY; OR

~~(11)~~ (12) Who otherwise does not qualify for a license under this title.

16-104.2.

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

- (1) [who] ~~WHO IS~~ IS 16 years of age or [older, and who] OLDER;
- (2) ~~WHO DOES~~ DOES not possess a valid driver's license issued by this State or any other jurisdiction, but whose license or privilege to drive is not revoked, suspended, refused, or canceled; ~~AND~~

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

(3) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS; AND

(4) (I) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A VALID SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE,

**ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:**

- 1. A CURRENT W-2 FORM;**
- 2. A CURRENT SSA-1099 FORM;**
- 3. A CURRENT NON-SSA-1099 FORM; OR**
- 4. A CURRENT PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR**

**(II) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY.**

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

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

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

~~(3) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION CERTIFYING THAT THE APPLICANT IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.~~

**(3) PROVIDES THE DOCUMENTARY EVIDENCE DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

(c) Each application for a moped operator's permit shall be on a form and contain the information that the Administration requires and each permit issued shall be of a size, design, and content that the Administration specifies.

(d) (1) A permit is not valid unless the applicant signs the applicant's name on it in the applicant's usual signature.

(2) When issued and signed, a moped operator's permit only authorizes its holder to operate a moped, as defined in § 11-134.1 of this article or a motor scooter, as defined in § 11-134.5 of this article.

(e) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A moped operator's permit expires ~~every 5 years~~ AT THE END OF A PERIOD OF NOT MORE THAN ~~8~~ 5 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION.

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

(2) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE A MOPED OPERATOR'S PERMIT TO THE APPLICANT FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF A MOPED OPERATOR'S PERMIT FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE-READABLE ZONE OF A TEMPORARY MOPED OPERATOR'S PERMIT ISSUED UNDER THIS PARAGRAPH THAT THE PERMIT IS A TEMPORARY MOPED OPERATOR'S PERMIT.

(3) It may be renewed on application and payment of the fee required by subsection (f) of this section.

(f) (1) For issuance or renewal of a moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

(2) For issuance of a duplicate moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

16-106.

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

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

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

(b) The application shall state:

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

(c) [(1) Subsection (b)(4) of this section applies only to an applicant who has a Social Security number.

(2) If an applicant does not have a Social Security number, the applicant shall certify in the application that the applicant does not have a Social Security number] **AN APPLICANT SHALL PROVIDE:**

**(1) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A VALID SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:**

**(I) A CURRENT W-2 FORM;**

**(II) A CURRENT SSA-1099 FORM;**

**(III) A CURRENT NON-SSA-1099 FORM; OR**

**(IV) A CURRENT PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR**

**(2) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY.**

**(e) (4) AN APPLICANT SHALL PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS.**

(a) (1) ~~[A] SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee in the fifth year~~ **AT THE END OF A PERIOD OF NOT MORE THAN § 5 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION** following the issuance of the license.

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

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

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

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

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

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

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

**(5) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE TO THE APPLICANT A LICENSE TO DRIVE FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.**

**(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF A TEMPORARY LICENSE TO DRIVE FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN THIS SUBSECTION.**

**(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE-READABLE ZONE OF A TEMPORARY LICENSE TO DRIVE THAT THE LICENSE IS A TEMPORARY LICENSE TO DRIVE.**

**(6) A HOLDER OF A TEMPORARY LICENSE TO DRIVE WHO HAD TEMPORARY LAWFUL STATUS AT THE TIME OF THE ISSUANCE OF THE TEMPORARY LICENSE TO DRIVE SHALL PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF LAWFUL STATUS IF THE HOLDER APPLIES FOR ISSUANCE OR RENEWAL OF ANY LICENSE TO DRIVE UNDER THIS SUBTITLE.**

**16-121.**

**(A) THIS SECTION APPLIES ONLY TO A NON-MATCH, DESCRIBED UNDER REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THAT:**

**(1) OCCURS DURING VERIFICATION BY THE ADMINISTRATION OF THE DOCUMENTARY EVIDENCE PROVIDED BY AN APPLICANT FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE; AND**

**(2) IS NOT RESOLVED BY THE ADMINISTRATION'S VERIFICATION OF THE DOCUMENTARY EVIDENCE.**

**(B) IN THE EVENT OF A NON-MATCH, THE ADMINISTRATION MAY NOT ISSUE TO THE APPLICANT AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE.**

**(C) NOTHING IN THIS SECTION PROHIBITS THE ADMINISTRATION FROM ISSUING OR RENEWING AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER § 16-122 OF THIS SUBTITLE TO ALLOW THE APPLICANT TO RESOLVE A NON-MATCH.**

**16-122.**

**(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE ADMINISTRATION SHALL, SUBJECT TO THE PROVISIONS OF THIS SECTION, ISSUE OR RENEW AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE THAT IS NOT ACCEPTABLE BY FEDERAL AGENCIES FOR OFFICIAL PURPOSES DETERMINED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IF AN APPLICANT:**

(I) 1. HAS AN UNRESOLVED NON-MATCH DESCRIBED UNDER § 16-121 OF THIS SUBTITLE;

2. MEETS THE REQUIREMENTS CONCERNING THE NON-MATCH CONTAINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION THAT ARE CONSISTENT WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; AND

3. WOULD BE OTHERWISE ELIGIBLE UNDER THIS ARTICLE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS TITLE, BUT FOR THE UNRESOLVED NON-MATCH; OR

~~(II) WOULD BE OTHERWISE ELIGIBLE UNDER THIS ARTICLE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, BUT ELECTS THE ISSUANCE OR THE RENEWAL OF AN IDENTIFICATION CARD UNDER THIS SECTION; OR~~

~~(II) 1. WAS THE HOLDER OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE ISSUED OR RENEWED BY THE ADMINISTRATION BEFORE APRIL 19, 2009;~~

~~2. DOES NOT PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS OR A VALID SOCIAL SECURITY NUMBER;~~

~~3. CERTIFIES THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER; AND~~

~~4. WOULD BE OTHERWISE ELIGIBLE FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE ISSUED UNDER THIS SUBTITLE, BUT FOR THE ABSENCE OF DOCUMENTARY EVIDENCE DESCRIBED IN ITEM 2 OF THIS ITEM.~~

(2) THE ADMINISTRATION MAY NOT ISSUE OR RENEW AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2015.

**(3) AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2010, SHALL EXPIRE ON JULY 1, 2015.**

**~~(2)~~ (4) THIS SUBSECTION DOES NOT APPLY TO ANY PROVISION OF LAW APPLICABLE TO THE ISSUANCE OR RENEWAL OF A COMMERCIAL DRIVER'S LICENSE UNDER THIS TITLE.**

**(B) THE ADMINISTRATION MAY REQUIRE THAT AN APPLICATION FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS SECTION BE MADE IN PERSON.**

**(C) A PERSON MAY NOT BE A HOLDER OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION IF THE PERSON IS THE HOLDER OF ANY OTHER IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION OR ANY OTHER SECTION OF THIS ARTICLE.**

**(D) EACH IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, AND LICENSE TO DRIVE ISSUED OR RENEWED IN ACCORDANCE WITH THIS SECTION SHALL:**

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

**(2) HAVE A UNIQUE DESIGN OR COLOR INDICATOR THAT CLEARLY DISTINGUISHES IT FROM THE DESIGN OR COLOR OF AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER ANY OTHER SECTION OF THIS SUBTITLE; AND**

**(3) BE OF THE SIZE AND DESIGN THAT THE ADMINISTRATION REQUIRES, TAMPERPROOF, TO THE EXTENT POSSIBLE, AND CONTAIN:**

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

**(II) THE BIRTH DATE OF THE APPLICANT;**

**(III) THE GENDER OF THE APPLICANT;**

**(IV) A DESCRIPTION OF THE APPLICANT;**



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

(VI) THE EXPIRATION DATE OF THE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE;

(VII) THE SIGNATURE OF THE APPLICANT; AND

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

(E) AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION SHALL EXPIRE AT THE END OF A PERIOD THAT IS EQUIVALENT TO THE EXPIRATION PERIOD APPLICABLE FOR AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE.

(F) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED UNDER THIS SECTION MAY BE USED FOR ANY PURPOSE AS LEGAL IDENTIFICATION OF THE HOLDER TO WHOM THE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE IS ISSUED.

~~(G) (1) THE ADMINISTRATION MAY CANCEL, SUSPEND, REVOKE, OR REQUIRE TO BE SURRENDERED AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION UNDER THE SAME CIRCUMSTANCES THAT THE ADMINISTRATION MAY CANCEL, SUSPEND, REVOKE, OR REQUIRE TO BE SURRENDERED AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER THIS SUBTITLE.~~

~~(2) THE ADMINISTRATION MAY REFUSE TO ISSUE OR RENEW AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS SECTION UNDER THE SAME CIRCUMSTANCES THAT THE ADMINISTRATION MAY REFUSE TO ISSUE OR RENEW AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16-115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER THIS SUBTITLE, BUT FOR THE ABSENCE OF THE DOCUMENTARY EVIDENCE DESCRIBED IN SUBSECTION (A)(1)(II)2 OF THIS SECTION.~~

~~(H)~~ ~~(1)~~ ~~(G)~~ THE ADMINISTRATION MAY ESTABLISH A FEE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION.

~~(2)~~ ~~NOTHING IN THIS SECTION ALTERS THE PROVISIONS OF § 12-120 OF THIS ARTICLE.~~

~~(H)~~ ~~(H)~~ EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, THIS SECTION DOES NOT LIMIT THE APPLICATION OF ANY OTHER PROVISION OF THIS ARTICLE TO AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED UNDER THIS SECTION.

16-123.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COVERED EMPLOYEE" MEANS AN EMPLOYEE OF THE ADMINISTRATION OR A CONTRACTOR FOR THE ADMINISTRATION WHO IS INVOLVED IN THE MANUFACTURE OR PRODUCTION OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, OR LICENSES TO DRIVE OR WHO HAS THE ABILITY TO AFFECT THE IDENTITY INFORMATION THAT APPEARS ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE.

(3) "PERSONALLY IDENTIFIABLE INFORMATION" MEANS ANY INFORMATION THAT CAN BE USED TO DISTINGUISH OR TRACE AN INDIVIDUAL'S IDENTITY AS SPECIFIED IN REGULATIONS ADOPTED BY THE SECRETARY OF *THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY*, WHETHER THE INFORMATION IS STORED IN A DATABASE, ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE, OR IN THE MACHINE-READABLE ZONE ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE.

(B) THE ADMINISTRATION SHALL HAVE A SECURITY PLAN FOR IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS AND LICENSES TO DRIVE ISSUED OR RENEWED FOR THE PURPOSES OF COMPLYING WITH THE PROVISIONS OF THIS ARTICLE.

(C) AT A MINIMUM, THE SECURITY PLAN SHALL ADDRESS:

(1) PHYSICAL SECURITY OF THE FACILITIES USED AND STORAGE AREAS FOR CARD STOCK AND OTHER MATERIALS USED IN PRODUCTION; AND

**(2) SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION MAINTAINED AT LOCATIONS OF THE ADMINISTRATION INVOLVED IN THE ENROLLMENT, ISSUANCE, MANUFACTURE, OR PRODUCTION, INCLUDING THE FOLLOWING PROTECTIONS:**

**(I) REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PROTECT THE SECURITY, CONFIDENTIALITY, AND INTEGRITY OF THE PERSONALLY IDENTIFIABLE INFORMATION COLLECTED, STORED, AND MAINTAINED IN ADMINISTRATION RECORDS AND INFORMATION SYSTEMS, INCLUDING PROCEDURES TO PREVENT UNAUTHORIZED ACCESS, USE, OR DISSEMINATION OF APPLICANT INFORMATION AND IMAGES OF SOURCE DOCUMENTS RETAINED AND STANDARDS AND PROCEDURES FOR DOCUMENT RETENTION AND DESTRUCTION;**

**(II) A PRIVACY POLICY REGARDING THE PERSONALLY IDENTIFIABLE INFORMATION COLLECTED AND MAINTAINED BY THE ADMINISTRATION;**

**(III) REQUIRING THAT RELEASE OR USE OF PERSONAL INFORMATION COLLECTED AND MAINTAINED BY THE ADMINISTRATION COMPLY WITH THE REQUIREMENTS OF THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT;**

**(IV) DOCUMENT AND PHYSICAL SECURITY FEATURES FOR IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, AND LICENSES TO DRIVE ISSUED BY THE ADMINISTRATION;**

**(V) ACCESS CONTROL, INCLUDING:**

**1. EMPLOYEE IDENTIFICATION AND CREDENTIALING, INCLUDING ACCESS BADGES;**

**2. EMPLOYEE BACKGROUND CHECKS, INCLUDING A NAME-BASED AND FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK, FOR EACH COVERED EMPLOYEE AND CURRENT EMPLOYEE WHO WILL BE ASSIGNED TO THE POSITION OF A COVERED EMPLOYEE; AND**

**3. CONTROLLED ACCESS SYSTEMS;**

**(VI) PERIODIC TRAINING REQUIREMENTS IN:**

**1. FRAUDULENT DOCUMENT RECOGNITION TRAINING FOR ALL COVERED EMPLOYEES HANDLING SOURCE DOCUMENTS OR**

**ENGAGED IN THE ISSUANCE OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, OR LICENSES TO DRIVE; AND**

**2. SECURITY AWARENESS TRAINING, INCLUDING THREAT IDENTIFICATION AND HANDLING OF SENSITIVE SECURITY INFORMATION AS NECESSARY;**

**(VII) EMERGENCY AND INCIDENT RESPONSE PLAN;**

**(VIII) INTERNAL AUDIT CONTROLS; AND**

**(IX) AN AFFIRMATION THAT THE ADMINISTRATION POSSESSES THE AUTHORITY AND MEANS TO PRODUCE, REVISE, EXPUNGE, AND PROTECT THE CONFIDENTIALITY OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, AND LICENSES TO DRIVE ISSUED IN SUPPORT OF FEDERAL, STATE, OR LOCAL CRIMINAL JUSTICE AGENCIES OR SIMILAR PROGRAMS THAT REQUIRE SPECIAL LICENSING OR IDENTIFICATION TO SAFEGUARD PERSONS OR SUPPORT THEIR OFFICIAL DUTIES.**

**(D) THE SECURITY PLAN REQUIRED BY THIS SECTION CONTAINS SENSITIVE SECURITY INFORMATION AND SHALL BE HANDLED AND PROTECTED IN ACCORDANCE WITH 49 CODE OF FEDERAL REGULATIONS PART 1520.**

**16-124.**

**(A) THE ADMINISTRATION SHALL REQUIRE EACH FEE FOR ISSUANCE OR RENEWAL OF AN ORIGINAL OR DUPLICATE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER THIS ARTICLE TO BE PAID BY THE APPLICANT AT THE TIME OF APPLICATION.**

**(B) AN APPLICATION FEE UNDER THIS SECTION IS NONREFUNDABLE, REGARDLESS WHETHER THE ADMINISTRATION ISSUES OR RENEWS, REFUSES TO ISSUE OR RENEW, CANCELS, OR REQUIRES TO BE SURRENDERED AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS ARTICLE.**

**16-301.**

**(a) A person may not knowingly or fraudulently obtain or attempt to obtain a [driver's] license TO DRIVE OR A MOPED OPERATOR'S PERMIT by misrepresentation.**

**(b) A person may not in any application for a [driver's] license TO DRIVE OR A MOPED OPERATOR'S PERMIT:**

- (1) Use a false or fictitious name;
- (2) Knowingly make a false statement;
- (3) Knowingly conceal a material fact;
- (4) Use a false, fictitious, or fraudulently altered document; or
- (5) Otherwise commit a fraud.

27-101.

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

(1) § 12-301[(c), (d), (e),] (E) or (f) (“Special identification cards: [Fraud and misrepresentation] UNLAWFUL USE OF IDENTIFICATION CARD prohibited”);

(12) § 16-301, EXCEPT § 16-301(A) OR (B) (“Unlawful [application for or] use of license”);

**(CC) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 12-301(C) OR (D) OF THIS ARTICLE (“FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR AN IDENTIFICATION CARD”) OR § 16-301(A) OR (B) OF THIS ARTICLE (“FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR A LICENSE”) IS SUBJECT TO A FINE OF NOT MORE THAN \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.**

SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration shall adopt regulations to implement this Act, including regulations to:

(1) create a written, defined exceptions process, consistent with regulations adopted by the Secretary of the United States Department of Homeland Security, for applicants who, for reasons beyond their control, are unable to present all necessary documentation and must rely on alternative documents to establish identity or date of birth, however, under the regulations, alternative documents to demonstrate lawful status shall only be allowed to demonstrate that the applicant is a citizen of the United States; and

(2) implement the provisions of this Act concerning a non-match, as described in this Act, of documentation provided by an applicant to the Administration.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, May 7, 2009.**