

# HOUSE BILL 938

R4

11r2357

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By: **Delegate Stein**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Driver’s Licenses, Identification Cards, and Moped Operator’s**  
3 **Permits – Photographs**

4 FOR the purpose of repealing certain provisions of law that require driver’s licenses,  
5 identification cards, and moped operator’s permits issued by the Motor Vehicle  
6 Administration to contain a photograph of the license, card, or permit holder  
7 that is in color; making a technical correction; and generally relating to  
8 photographs on driver’s licenses, identification cards, and moped operator’s  
9 permits.

10 BY repealing and reenacting, without amendments,  
11 Article – Transportation  
12 Section 12–301(a), 16–111.1(b)(1), and 16–122(a)(1)  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Transportation  
17 Section 12–301(g)(2), 16–111.1(d)(2), 16–122(d), and 16–811(c)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2010 Supplement)

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

22 **Article – Transportation**

23 12–301.

24 (a) On application, the Administration shall issue an identification card to  
25 any applicant who:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) Is a resident of this State;
- 2 (2) Does not have a driver's license;
- 3 (3) Presents a birth certificate or other proof of age and identity  
4 acceptable to the Administration;
- 5 (4) Provides satisfactory documentary evidence that the applicant has  
6 lawful status;
- 7 (5) (i) Provides satisfactory documentary evidence that the  
8 applicant has a valid Social Security number by presenting the applicant's Social  
9 Security Administration account card or, if the Social Security Administration account  
10 card is not available, any of the following documents bearing the applicant's Social  
11 Security number:
- 12 1. A current W-2 form;
- 13 2. A current SSA-1099 form;
- 14 3. A current non-SSA-1099 form; or
- 15 4. A current pay stub with the applicant's name and  
16 Social Security number on it; or
- 17 (ii) Provides satisfactory documentary evidence that the  
18 applicant is not eligible for a Social Security number; and
- 19 (6) Presents a completed application for an identification card on a  
20 form furnished by the Administration.
- 21 (g) (2) The card shall contain:
- 22 (i) The name and address of the applicant;
- 23 (ii) The birth date of the applicant;
- 24 (iii) The sex of the applicant;
- 25 (iv) A description of the applicant;
- 26 (v) A [color] photograph of the applicant taken by the procedure  
27 that the Administration requires;
- 28 (vi) The expiration date of the identification card;

- 1 (vii) The signature of the applicant; and  
2 (viii) The signature and seal of the issuing agent.  
3 16–111.1.

4 (b) (1) This subsection applies to an applicant who holds a provisional  
5 license under § 16–111 of this subtitle.

6 (d) (2) A noncommercial Class A, B, C, or M license shall include:

7 (i) The name and residence address of the licensee;

8 (ii) The date of birth of the licensee;

9 (iii) A description of the licensee, which shall include the height,  
10 weight, and sex of the licensee;

11 (iv) A [color] photograph of the applicant that is taken in  
12 accordance with a procedure that the Administration requires;

13 (v) The type or class of vehicles that the license authorizes the  
14 licensee to drive;

15 (vi) The signature and seal of the issuing agent; and

16 (vii) A space for the signature of the licensee.

17 16–122.

18 (a) (1) Notwithstanding any other provision of this article, the  
19 Administration shall, subject to the provisions of this section, issue or renew an  
20 identification card, a moped operator's permit, or a license to drive that is not  
21 acceptable by federal agencies for official purposes determined by the Secretary of the  
22 United States Department of Homeland Security if an applicant:

23 (i) 1. Has an unresolved non-match described under  
24 § 16–121 of this subtitle;

25 2. Meets the requirements concerning the non-match  
26 contained in regulations adopted by the Administration that are consistent with  
27 regulations adopted by the Secretary of the United States Department of Homeland  
28 Security; and

29 3. Would be otherwise eligible under this article for the  
30 issuance or renewal of an identification card under § 12–301 of this article, a moped  
31 operator's permit under § 16–104.2 of this subtitle, or a license to drive under this  
32 title, but for the unresolved non-match; or

1                   (ii) 1. Was the holder of an identification card under  
2 § 12–301 of this article, a moped operator’s permit under § 16–104.2 of this subtitle, or  
3 a license to drive under this subtitle issued or renewed by the Administration before  
4 April 19, 2009;

5                   2. Does not provide satisfactory documentary evidence  
6 that the applicant has lawful status or a valid Social Security number;

7                   3. Certifies that the applicant does not have a Social  
8 Security number; and

9                   4. Would be otherwise eligible for issuance or renewal of  
10 an identification card under § 12–301 of this article, a moped operator’s permit under §  
11 16–104.2 of this subtitle, or a license to drive issued under this subtitle, but for the  
12 absence of documentary evidence described in item 2 of this item.

13           (d) Each identification card, moped operator’s permit, and license to drive  
14 issued or renewed in accordance with this section shall:

15                   (1) Clearly state on its face and in its machine–readable zone that it is  
16 not acceptable by federal agencies for official purposes;

17                   (2) Have a unique design or color indicator that clearly distinguishes it  
18 from the design or color of an identification card under § 12–301 of this article, a  
19 moped operator’s permit under § 16–115 of this subtitle, or any license to drive under  
20 any other section of this subtitle; and

21                   (3) Be of the size and design that the Administration requires,  
22 tamperproof, to the extent possible, and contain:

23                           (i) The name and address of the applicant;

24                           (ii) The birth date of the applicant;

25                           (iii) The gender of the applicant;

26                           (iv) A description of the applicant;

27                           (v) A [color] photograph of the applicant taken by the procedure  
28 that the Administration requires;

29                           (vi) The expiration date of the identification card, moped  
30 operator’s permit, or license to drive;

31                           (vii) The signature of the applicant; and

1 (viii) The signature and seal of the issuing agent.

2 16-811.

3 (c) Each commercial driver's license issued by the Administration shall:

4 (1) Be marked "commercial driver's license" or "CDL"; and

5 (2) Include the following information:

6 (i) The licensee's:

7 1. Full name and current mailing address;

8 2. Physical description including sex, height, and  
9 weight; AND

10 3. [Color photograph] **PHOTOGRAPH** or photo-image;

11 (ii) The date of issuance;

12 (iii) The date of expiration; and

13 (iv) Any other information required by the Code of Federal  
14 Regulations or the Administration.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2011.