

HOUSE BILL 505

M2, D4

3lr0377

By: **Delegates Glass, Boteler, Dwyer, Impallaria, McComas, McDonough, Myers, Norman, Parrott, Stifler, Stocksdale, and Szeliga**

Introduced and read first time: January 30, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Hunting and Fishing License Applications – Social**
3 **Security Number**

4 FOR the purpose of creating for hunting and fishing licenses issued by the
5 Department of Natural Resources an exception to the requirement that a
6 licensing authority require a license applicant to disclose the Social Security
7 number of the applicant and record the Social Security number on the
8 application; altering the information that a request for information from a
9 hunting or fishing license application made by the Child Support Enforcement
10 Administration is required to contain under certain circumstances; repealing
11 provisions of law requiring an applicant for certain hunting and fishing licenses
12 to provide the Social Security number of the applicant and prohibiting the
13 Department of Natural Resources from requiring an applicant for a hunting or
14 fishing license to provide the Social Security number of the applicant; repealing
15 a certain provision of law governing disclosure of a Social Security number by
16 the Department of Natural Resources; and generally relating to information
17 required to be disclosed on an application for a hunting or fishing license issued
18 by the Department of Natural Resources.

19 BY repealing and reenacting, with amendments,
20 Article – Family Law
21 Section 10–119.3
22 Annotated Code of Maryland
23 (2012 Replacement Volume)

24 BY repealing and reenacting, without amendments,
25 Article – Natural Resources
26 Section 4–202, 4–604(d), and 10–301(d)
27 Annotated Code of Maryland
28 (2012 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Natural Resources
3 Section 4–205(l), 4–604(e), 4–704(a), and 10–301(e)
4 Annotated Code of Maryland
5 (2012 Replacement Volume)

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

8 **Article – Family Law**

9 10–119.3.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) “License” means any license, certificate, registration, permit, or
12 other authorization that:

13 (i) is issued by a licensing authority;

14 (ii) is subject to suspension, revocation, forfeiture, or
15 termination by a licensing authority; and

16 (iii) is necessary for an individual to practice or engage in a
17 particular business, occupation, or profession.

18 (3) (i) “Licensing authority” means a department, unit of a
19 department, commission, board, office, or court of the State.

20 (ii) “Licensing authority” includes:

21 1. the Department of Labor, Licensing, and Regulation;

22 2. the Department of Health and Mental Hygiene;

23 3. the Department of Human Resources;

24 4. the Department of Transportation;

25 5. the Department of the Environment;

26 6. the Comptroller of the Treasury;

27 7. the Department of Agriculture;

28 8. the Maryland Insurance Administration;

- 1 9. the Public Service Commission;
- 2 10. the Secretary of State;
- 3 11. the State Department of Education;
- 4 12. the Department of Natural Resources;
- 5 13. the Office of the Attorney General;
- 6 14. the clerks of the court that are authorized to issue a
7 license or certificate for professional services or recreational uses; and
- 8 15. the Court of Appeals.

9 (b) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
10 **SUBSECTION, A** licensing authority shall:

11 **[(1)] (I)** require each applicant for a license to disclose the Social
12 Security number of the applicant; and

13 **[(2)] (II)** record the applicant's Social Security number on the
14 application.

15 **(2) THE DEPARTMENT OF NATURAL RESOURCES MAY NOT**
16 **REQUIRE AN APPLICANT FOR A HUNTING OR FISHING LICENSE TO DISCLOSE**
17 **THE SOCIAL SECURITY NUMBER OF THE APPLICANT.**

18 (c) (1) To carry out its responsibility under State and federal law, the
19 Administration may request from a licensing authority information concerning any
20 obligor in arrears in paying child support through a support enforcement agency.

21 (2) A request for information by the Administration under paragraph
22 (1) of this subsection:

23 (i) shall contain:

24 1. the full name of the obligor; and

25 2. the Social Security number, **IF REQUIRED ON THE**
26 **RELEVANT LICENSE APPLICATION**, of the obligor; and

27 (ii) may be transmitted to a licensing authority using an
28 electronic format.

1 (3) A request for information may not be made by the Administration
2 to a licensing authority more frequently than four times in each calendar year except
3 with respect to an obligor whom the Administration has reason to believe is licensed
4 by, or has applied for a license from, the licensing authority.

5 (4) In addition to requests for information under this subsection, the
6 Administration may request a licensing authority to periodically share its licensing
7 database with the Administration.

8 (d) (1) Upon receipt of a request for information under subsection (c) of
9 this section, a licensing authority shall submit the following information to the
10 Administration with respect to each obligor who is licensed by, or has applied for a
11 license from, the licensing authority:

12 (i) the full name of the obligor;

13 (ii) the address of the obligor, if known;

14 (iii) the Social Security number of the obligor, if known; and

15 (iv) a description of the license held by the obligor.

16 (2) The information may be transmitted to the Administration in an
17 electronic format.

18 (3) Except as otherwise provided by law, any record compiled under
19 this subsection shall be made available only to a person who has a right to the record
20 in an official capacity.

21 (e) (1) Except as provided in paragraph (3) of this subsection and subject
22 to the provisions of subsection (f) of this section, the Administration may request a
23 licensing authority to suspend or deny an individual's license if:

24 (i) 1. the individual is in arrears amounting to more than
25 120 days under the most recent order; and

26 2. A. the Administration has accepted an assignment
27 of support under § 5-312(b)(2) of the Human Services Article; or

28 B. the recipient of support payments has filed an
29 application for support enforcement services with the Administration; or

30 (ii) the individual has failed to comply with a subpoena issued
31 by the Administration under § 10-108.6 of this subtitle.

32 (2) Except as provided in paragraph (3) of this subsection, upon
33 notification by the Administration under this section, a licensing authority shall:

1 (i) suspend an individual's license; or

2 (ii) deny the license of an individual who is an applicant for a
3 license from the licensing authority.

4 (3) (i) This paragraph applies if the licensing authority is the
5 Court of Appeals.

6 (ii) If an individual meets the criteria specified in paragraph (1)
7 of this subsection, the Administration may make a referral to the Attorney Grievance
8 Commission for proceedings in accordance with the Maryland Rules governing
9 attorney discipline.

10 (iii) On recommendation of the Attorney Grievance Commission,
11 the Court of Appeals may suspend an individual's license or take other action against
12 the individual as authorized by the Maryland Rules governing attorney discipline.

13 (iv) The Court of Appeals may adopt rules to implement the
14 provisions of this paragraph.

15 (f) (1) At least 30 days before requesting a licensing authority to suspend
16 or deny a license or at least 30 days before making a referral under subsection (e)(3) of
17 this section, the Administration shall:

18 (i) send written notice of the proposed action to the individual
19 whose license is subject to suspension under this section, including notice of the
20 individual's right to request an investigation; and

21 (ii) give the individual a reasonable opportunity to contest the
22 accuracy of the information.

23 (2) (i) Upon receipt of a request for investigation from an
24 individual whose license is subject to suspension, the Administration shall conduct an
25 investigation.

26 (ii) Upon completion of the investigation, the Administration
27 shall notify the individual of the result of the investigation and the individual's right
28 to appeal to the Office of Administrative Hearings.

29 (3) (i) An appeal under this section shall be conducted in
30 accordance with Title 10, Subtitle 2 of the State Government Article.

31 (ii) An appeal shall be made in writing and shall be received by
32 the Office of Administrative Hearings within 30 days after the notice to the individual
33 whose license is subject to suspension of the results of the investigation.

1 (4) If, after the investigation or appeal to the Office of Administrative
2 Hearings, the Administration finds that it erred in making a decision, the
3 Administration may not send a notification about an individual to a licensing
4 authority or make a referral under subsection (e)(3) of this section.

5 (g) The Administration may not send a notification about an individual to a
6 licensing authority or make a referral under subsection (e)(3) of this section if:

7 (1) with respect to an individual with a child support arrearage:

8 (i) the Administration reaches an agreement with the
9 individual regarding a scheduled payment of the child support arrearage or a court
10 issues an order for a scheduled payment of the child support arrearage; and

11 (ii) the individual is complying with the agreement or court
12 order; or

13 (2) with respect to an individual who failed to comply with a subpoena
14 issued under § 10–108.5 of this subtitle, the individual has complied with the
15 subpoena.

16 (h) (1) Except as provided in paragraph (2) of this subsection, prior to the
17 suspension or denial of a license under subsection (e) of this section, a licensing
18 authority shall send written notice of the proposed action to the individual whose
19 license is subject to suspension or denial, including notice of the individual's right to
20 contest the identity of the individual whose license or application is to be suspended or
21 denied.

22 (2) If the licensing authority is the Court of Appeals, notice shall be as
23 provided in the Maryland Rules governing attorney discipline.

24 (i) (1) (i) Except as provided in paragraph (2) of this subsection, an
25 individual may appeal a decision of a licensing authority to suspend or deny the
26 individual's license in accordance with Title 10, Subtitle 2 of the State Government
27 Article.

28 (ii) At a hearing under this paragraph, the issue shall be limited
29 to whether the Administration has mistaken the identity of the individual whose
30 license has been suspended or denied.

31 (2) If the licensing authority is the Court of Appeals, an individual
32 may appeal a decision in accordance with the Maryland Rules governing attorney
33 discipline.

34 (j) The Administration shall notify the licensing authority to reinstate any
35 license suspended or denied under this section within 10 days after the occurrence of
36 any of the following events:

1 (1) the Administration receives a court order to reinstate the
2 suspended license; or

3 (2) with respect to an individual with a child support arrearage, the
4 individual has:

5 (i) paid the support arrearage in full; or

6 (ii) demonstrated good faith by paying the ordered amount of
7 support for 4 consecutive months; or

8 (3) with respect to an individual whose license was suspended or
9 denied because of a failure to comply with a subpoena issued under § 10–108.5 of this
10 subtitle, the individual has complied with the subpoena.

11 (k) A licensing authority shall immediately reinstate any license suspended,
12 or process an application for any license denied, under this section if:

13 (1) notified by the Administration that the license should be
14 reinstated; and

15 (2) the individual otherwise qualifies for the license.

16 Article – Natural Resources

17 4–202.

18 The Secretary is responsible for conservation management of the fish, fisheries,
19 fish resources and aquatic life within the State.

20 4–205.

21 (1) [(1)] The Department [shall] **MAY NOT** require an applicant for any
22 recreational license under this title to provide the applicant’s Social Security number[,
23 if the applicant has a Social Security number].

24 [(2) Except as provided in § 10–617 of the State Government Article,
25 the Social Security number of an applicant may not be disclosed as part of the public
26 record of the application.]

27 4–604.

28 (d) A person may apply for an angler’s license to any person designated by
29 the Department. The application shall be on a form the Department prepares and
30 supplies. The applicant shall fill out, sign and submit the application to the person
31 designated to issue an angler’s license. A person may apply by mail.

1 (e) **(1)** [An] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
2 applicant for a license issued under this section shall provide all the information
3 requested by the Department on forms issued by the Department.

4 **(2)** **THE DEPARTMENT MAY NOT REQUIRE AN APPLICANT FOR AN**
5 **ANGLER'S LICENSE TO PROVIDE THE SOCIAL SECURITY NUMBER OF THE**
6 **APPLICANT.**

7 4-704.

8 (a) **(1)** [An] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
9 applicant for a license to catch finfish shall furnish information the Department
10 requires.

11 **(2)** **THE DEPARTMENT MAY NOT REQUIRE AN APPLICANT FOR AN**
12 **ANGLER'S LICENSE TO PROVIDE THE SOCIAL SECURITY NUMBER OF THE**
13 **APPLICANT.**

14 10-301.

15 (d) A person may apply for a hunter's license to any person designated by the
16 Department. The application shall be on a form the Department prepares and
17 supplies. The applicant shall fill out, sign, and submit the application to the person
18 designated to issue the hunter's license. A person may apply by mail.

19 (e) The application shall contain the applicant's name, height, color of eyes
20 and hair, occupation, **AND** place of residence[, and Social Security number]. **THE**
21 **DEPARTMENT MAY NOT REQUIRE AN APPLICANT FOR A HUNTING LICENSE TO**
22 **PROVIDE THE SOCIAL SECURITY NUMBER OF THE APPLICANT.** If the applicant is
23 a nonresident, the applicant also shall present the applicant's driver's license, voter's
24 card, or resident hunter's license.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2013.