

SENATE BILL 387

R4

EMERGENCY BILL

4lr1325

By: **Senator Reilly**

Introduced and read first time: January 23, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drivers' Licenses, Identification Cards, and Moped Operators' Permits –**
3 **Enhanced Identification Documents**

4 FOR the purpose of requiring the Motor Vehicle Administration to make available to
5 an applicant for a driver's license, identification card, or moped operator's
6 permit the opportunity to upgrade the document to be an enhanced
7 identification document; establishing that the Administration may only issue an
8 enhanced identification document to certain individuals who provide certain
9 documentation; requiring an individual who applies for an enhanced
10 identification document to provide to the Administration a certain biometric
11 identifier at a certain time and in a certain manner; requiring the
12 Administration to select for use for an enhanced identification document only a
13 biometric identifier that meets certain federal standards and requirements;
14 authorizing the Administration to establish a certain fee for the issuance and
15 renewal of an enhanced identification document; defining certain terms; making
16 this Act an emergency measure; and generally relating to the upgrade of
17 drivers' licenses, identification cards, and moped operators' permits to be
18 enhanced identification documents.

19 BY adding to

20 Article – Transportation
21 Section 12-305
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2013 Supplement)

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

26 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **12-305.**

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

4 (2) (I) "BIOMETRIC IDENTIFIER" MEANS A DISTINCTIVE AND
5 MEASURABLE PHYSIOLOGICAL CHARACTERISTIC THAT MAY BE USED TO LABEL
6 AND DESCRIBE INDIVIDUALS.

7 (II) "BIOMETRIC IDENTIFIER" INCLUDES:

8 1. FINGERPRINTS;

9 2. AN IMAGE OR ANY OTHER IDENTIFIER THAT
10 WOULD ALLOW THE APPLICATION OF:

11 A. FACE RECOGNITION TECHNOLOGY; OR

12 B. IRIS RECOGNITION TECHNOLOGY;

13 3. DEOXYRIBONUCLEIC ACID (DNA); AND

14 4. A PALM PRINT.

15 (3) "ENHANCED IDENTIFICATION DOCUMENT" MEANS A DRIVER'S
16 LICENSE, IDENTIFICATION CARD, OR MOPED OPERATOR'S PERMIT ISSUED BY
17 THE ADMINISTRATION THAT HAS EMBEDDED INTO THE DOCUMENT A MEMORY
18 AND MICROPROCESSOR CHIP TO STORE ONE OR MORE BIOMETRIC IDENTIFIERS
19 FOR ENHANCED IDENTIFICATION PURPOSES.

20 (B) THE ADMINISTRATION SHALL MAKE AVAILABLE TO AN APPLICANT
21 FOR THE ISSUANCE OR RENEWAL OF A DRIVER'S LICENSE, IDENTIFICATION
22 CARD, OR MOPED OPERATOR'S PERMIT THE OPPORTUNITY TO UPGRADE THE
23 DOCUMENT TO BE AN ENHANCED IDENTIFICATION DOCUMENT.

24 (C) THE ADMINISTRATION MAY ISSUE AN ENHANCED IDENTIFICATION
25 DOCUMENT ONLY TO AN INDIVIDUAL WHO SHOWS PROOF ACCEPTABLE TO THE
26 ADMINISTRATION OF IDENTITY, STATE RESIDENCE, AND UNITED STATES
27 CITIZENSHIP.

28 (D) IN ADDITION TO THE INFORMATION REQUIRED IN AN APPLICATION
29 FOR THE ISSUANCE OR RENEWAL OF A DRIVER'S LICENSE, IDENTIFICATION
30 CARD, OR MOPED OPERATOR'S PERMIT, AN INDIVIDUAL WHO APPLIES FOR AN

1 ENHANCED IDENTIFICATION DOCUMENT SHALL PROVIDE TO THE
2 ADMINISTRATION A BIOMETRIC IDENTIFIER AS DETERMINED BY THE
3 ADMINISTRATION AT THE TIME AND IN THE MANNER REQUIRED BY THE
4 ADMINISTRATION.

5 (E) IN ESTABLISHING ONE OR MORE BIOMETRIC IDENTIFIERS TO BE
6 USED FOR AN ENHANCED IDENTIFICATION DOCUMENT, THE ADMINISTRATION
7 SHALL SELECT ONLY A BIOMETRIC IDENTIFIER THAT MEETS THE STANDARDS
8 AND REQUIREMENTS OF THE FEDERAL WESTERN HEMISPHERE TRAVEL
9 INITIATIVE.

10 (F) IN ADDITION TO THE UNDERLYING FEE ESTABLISHED BY THE
11 ADMINISTRATION, THE ADMINISTRATION MAY ESTABLISH AN ADDITIONAL FEE
12 FOR THE ISSUANCE OR RENEWAL OF AN ENHANCED IDENTIFICATION
13 DOCUMENT.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
15 measure, is necessary for the immediate preservation of the public health or safety,
16 has been passed by a yea and nay vote supported by three-fifths of all the members
17 elected to each of the two Houses of the General Assembly, and shall take effect from
18 the date it is enacted.