

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 569

(The President)(By Request - Administration)

Judicial Proceedings

Environment and Transportation

**Driver's Licenses, Learner's Instructional Permits, and Identification Cards -
Applications and Renewals**

This Administration bill alters several provisions that restrict when and how a driver's license may be renewed (or a learner's permit may be obtained). Specifically, the bill (1) permits the extension of an identification (ID) card expiration date for up to 90 days; (2) repeals a requirement that the copy of a school attendance record required for applicants for a learner's instructional permit be a *certified* copy; (3) permits the Motor Vehicle Administration (MVA) to renew a driver's license within 12 months (rather than 6 months) prior to expiration; (4) permits MVA to renew a driver's license without the individual appearing in person if the individual's photograph was taken fewer than 16 years prior to renewal; and (5) extends the period of time (from one to two years) during which MVA may accept a certification of acceptable visual acuity from a licensed physician or optometrist for license renewal purposes. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues may be minimally affected by the bill, as discussed below. MVA realizes efficiencies in its operations and can implement the bill's changes with existing resources.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary/Current Law:

Identification Cards

Under current law, an ID card issued to an applicant is generally valid for up to eight years. The bill authorizes MVA to extend the duration of an ID card for up to 90 days if the individual does not possess all of the documents required for renewal.

Learner's Instructional Permits

Under current law, each applicant for a learner's instructional permit who is younger than age 16 must present MVA with a *certified* copy of the applicant's school attendance record. The bill repeals the requirement that the school attendance record be certified, and instead requires only a copy of the record.

Expiration and Renewal of Driver's Licenses

Under current law, a Maryland noncommercial driver's license issued to an applicant age 21 or older is valid for a maximum of eight years. A license is renewable on the presentation of an application, the required renewal fee, and satisfactory completion of the required vision test (1) within 6 months before its expiration or (2) when a driver qualifies for a corrected license, as specified. The bill modifies this provision so that a license is renewable within 12 months prior to its expiration.

License Photographs

Except in limited circumstances (*e.g.*, when a licensee is absent from the State with cause), under current law, MVA is prohibited from renewing an individual's license for more than one consecutive term without requiring the individual to appear in person at an MVA office. The bill alters this requirement by authorizing MVA to renew an individual's license without requiring an in-person visit if the photograph for the individual was taken less than 16 years before the date of renewal.

Vision Tests

Generally, MVA must require every individual applying for a renewal of a driver's license to pass a vision test (as prescribed by MVA) under current law. However, MVA must also accept a certification of acceptable visual acuity from a licensed physician in lieu of a test at an MVA site. The examination for which certification is made must take place within 12 months of the date of application for renewal. The bill modifies this provision by

specifying that the exam instead must take place within two years of the date of application for renewal.

Background: MVA advises that it is seeking to create more flexibility for customers, particularly by reducing the number of necessary visits to an MVA branch office. In addition, MVA notes that the changes made by the bill are intended to improve continuity of service in times of emergency and to reduce administrative burdens on customers.

REAL ID Act

On May 11, 2005, President George W. Bush signed into law the REAL ID Act, which requires federal agencies to accept only personal ID cards that meet certain standards. The U.S. Department of Homeland Security (DHS) issued final regulations in January 2008. Pursuant to the regulations, MVA must verify the identity and lawful status of each applicant for a driver's license or ID card. Once fully enforced, driver's licenses and ID cards issued by states that are not in compliance with REAL ID standards will not be recognized for federal purposes, including accessing a federal facility and boarding a federally regulated commercial aircraft. Due to the COVID-19 pandemic and the national emergency declaration, DHS has extended the REAL ID enforcement deadline by one year (to October 1, 2021).

Identification Cards

MVA advises that customers who need to supply REAL ID documentation in order to renew a product can often encounter delays in sourcing the documentation, particularly when documents such as birth certificates are needed from out of state. These delays can prevent customers from being able to renew on time, leaving them without a valid form of identification. MVA advises that the bill's changes to this provision (allowing a 90-day extension) mirrors the authority it has to issue a 90-day extension for driver's licenses.

Learner's Instructional Permits

According to MVA, the requirement that an applicant younger than age 16 submit a certified copy of school attendance has resulted in a cumbersome, paper-based process. Eliminating the requirement of a certified copy of attendance effectively removes the need for MVA to receive paper copies, thereby alleviating the burden on applicants.

Expiration and Renewal of Driver's Licenses

In order for a Marylander to be REAL ID-compliant, the individual must both hold a driver's license with the federally designated REAL ID star symbol *and* have the required documents on file with MVA. As a driver's license is not eligible for renewal under current

law until six months before its expiration, a Marylander who needs a REAL ID-compliant product and is not yet inside the six-month renewal window must purchase a compliant product at a cost of \$20. Because corrected licenses have the same expiration as the original license, the customer may need to return again within a short timeframe. MVA advises that extending the renewal window may result in approximately 60,000 Marylanders becoming eligible to become REAL ID-compliant before the October 1 federal deadline.

License Photographs

MVA advises the bill aligns an individual's eligibility for alternative renewal (*e.g.*, online or by mail) with the age of the photograph, rather than simply alternating renewal cycles – thereby increasing access to alternative renewal methods. Maryland driver's licenses are valid for up to eight years at a time, and many customers visit an MVA branch during a driver's license cycle to obtain a corrected or duplicate license, which may require a photograph to be taken. Under current requirements, a customer due for an in-person renewal would be prohibited from renewing via an alternative method even if the customer had appeared in person and had a photograph taken as recently as seven months before the expiration. Rather than require the customer to return to the branch office if the individual had a photograph taken more recently, the customer could renew through an alternative method under the bill. MVA advises this change makes Maryland law consistent with federal regulations, which permit a photograph to be valid for up to 16 years.

Vision Tests

According to MVA, expanding the validity period of vision test results will reduce the number of in-branch vision tests and increase availability of renewal without a branch visit. Currently, vision care providers can sign up with MVA to electronically share results from tests administered by an eye doctor, allowing customers whose vision test results are shared to skip in-branch vision testing during the renewal process.

Moreover, MVA notes that some customers may only need to have their vision tested every two years, based on guidance from the American Optometric Association. However, under current law, some customers might be precluded from using their most recent test results, as MVA requires results to be from within the past year. MVA further notes that the vision test requirement is often the only barrier preventing customers age 40 and older from renewing online or by mail.

State Revenues: Under the bill, MVA expects some individuals to renew their licenses sooner than under current law, as the bill authorizes MVA to renew licenses within 12 months (rather than 6 months) prior to expiration. Thus, there may be a one-time shift in the receipt of license fee revenues. On the other hand, because the bill permits the extension of an ID card expiration date (by 90 days), some revenues may also be delayed

under the bill. Despite these factors, any shift in the receipt of TTF revenues resulting from the bill is expected to be minimal.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 730 (The Speaker)(By Request - Administration) - Environment and Transportation.

Information Source(s): Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2021
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Driver's Licenses, Learner's Instructional Permits, and Identification Cards - Applications and Renewals

BILL NUMBER: HB 730

PREPARED BY: MDOT MVA
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

See attached fiscal note.