

# SENATE BILL 715

R4

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CF HB 789

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By: **Senators Ramirez, Benson, Currie, Ferguson, Forehand, Garagiola, Gladden, King, Madaleno, Manno, McFadden, Montgomery, Muse, Pinsky, and Raskin**

Introduced and read first time: February 1, 2013  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
Read second time: March 20, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Highway Safety Act of 2013**

3 FOR the purpose of authorizing the issuance, to new applicants, of identification  
4 cards, moped operators' permits, and drivers' licenses that are not acceptable by  
5 federal agencies for certain official purposes; requiring a certain applicant for an  
6 identification card, a moped operator's permit, or a driver's license to provide  
7 certain evidence that the applicant has filed certain Maryland income tax  
8 returns or has resided in Maryland for a certain period of time and been claimed  
9 as a dependent on certain Maryland income tax returns; repealing a provision of  
10 law that prohibits, after a certain date, the issuance or renewal of identification  
11 cards, moped operators' permits, and drivers' licenses that are not acceptable by  
12 federal agencies for certain official purposes; requiring that certain  
13 identification cards, moped operators' permits, and drivers' licenses include a  
14 certain statement; repealing a requirement that certain identification cards,  
15 moped operators' permits, and drivers' licenses that are not acceptable by  
16 federal agencies for certain official purposes expire by a certain date; providing  
17 for a delayed effective date; and generally relating to the issuance of  
18 identification cards, moped operators' permits, and drivers' licenses that are not  
19 acceptable by federal agencies for certain official purposes.

20 BY repealing and reenacting, with amendments,  
21 Article – Transportation  
22 Section 16–122

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2012 Replacement Volume)

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

5 **Article – Transportation**

6 16–122.

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

12 (i) 1. Has an unresolved non–match described under §  
13 16–121 of this subtitle;

14 2. Meets the requirements concerning the non–match  
15 contained in regulations adopted by the Administration that are consistent with  
16 regulations adopted by the Secretary of the United States Department of Homeland  
17 Security; and

18 3. Would be otherwise eligible under this article for the  
19 issuance or renewal of an identification card under § 12–301 of this article, a moped  
20 operator’s permit under § 16–104.2 of this subtitle, or a license to drive under this  
21 title, but for the unresolved non–match; or

22 (ii) 1. [Was the holder of an identification card under §  
23 12–301 of this article, a moped operator’s permit under § 16–104.2 of this subtitle, or a  
24 license to drive under this subtitle issued or renewed by the Administration before  
25 April 19, 2009;

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

28 [3.] 2. Certifies that the applicant does not have a  
29 Social Security number; ~~and~~

30 [4.] 3. **IN THE CASE OF AN APPLICANT WHO IS NOT**  
31 **A CURRENT HOLDER OF AN IDENTIFICATION CARD UNDER § 12–301 OF THIS**  
32 **ARTICLE, A MOPEDED OPERATOR’S PERMIT UNDER § 16–104.2 OF THIS SUBTITLE,**  
33 **OR A LICENSE TO DRIVE ISSUED UNDER THIS SUBTITLE, PROVIDES**  
34 **DOCUMENTARY EVIDENCE THAT THE APPLICANT, FOR EACH OF THE PRECEDING**  
35 **2 YEARS, HAS:**

1                   **A. FILED A MARYLAND INCOME TAX RETURN; OR**

2                   **B. RESIDED IN MARYLAND AND BEEN CLAIMED AS A**  
3 **DEPENDENT BY AN INDIVIDUAL WHO HAS FILED A MARYLAND INCOME TAX**  
4 **RETURN; AND**

5                   **4.**       Would be otherwise eligible for issuance or renewal of  
6 an identification card under § 12–301 of this article, a moped operator’s permit under §  
7 16–104.2 of this subtitle, or a license to drive issued under this subtitle, but for the  
8 absence of documentary evidence described in item [2] 1 of this item.

9                   (2)       [The Administration may not issue or renew an identification card,  
10 moped operator’s permit, or license to drive under paragraph (1)(ii) of this subsection  
11 on or after July 1, 2015.

12                   (3)       An identification card, moped operator’s permit, or license to drive  
13 issued or renewed under paragraph (1)(ii) of this subsection on or after July 1, 2010,  
14 shall expire on July 1, 2015.

15                   (4)]       This subsection does not apply to any provision of law applicable to  
16 the issuance or renewal of a commercial driver’s license under this title.

17                   **(3) AN IDENTIFICATION CARD, A MOPED OPERATOR’S PERMIT, OR**  
18 **A LICENSE TO DRIVE THAT IS ISSUED UNDER THIS SUBSECTION SHALL INCLUDE**  
19 **A STATEMENT THAT THE DOCUMENT MAY NOT BE USED TO PURCHASE A**  
20 **FIREARM.**

21                   (b)       The Administration may require that an application for issuance or  
22 renewal of an identification card, a moped operator’s permit, or a license to drive  
23 under this section be made in person.

24                   (c)       A person may not be a holder of an identification card, a moped operator’s  
25 permit, or a license to drive issued or renewed under this section if the person is the  
26 holder of any other identification card, moped operator’s permit, or license to drive  
27 issued or renewed under this section or any other section of this article.

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

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

32                   (2)       Have a unique design or color indicator that clearly distinguishes it  
33 from the design or color of an identification card under § 12–301 of this article, a

1 moped operator's permit under § 16–115 of this subtitle, or any license to drive under  
2 any other section of this subtitle; and

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

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

6 (ii) The birth date of the applicant;

7 (iii) The gender of the applicant;

8 (iv) A description of the applicant;

9 (v) A color photograph of the applicant taken by the procedure  
10 that the Administration requires;

11 (vi) The expiration date of the identification card, moped  
12 operator's permit, or license to drive;

13 (vii) The signature of the applicant; and

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

15 (e) An identification card, a moped operator's permit, or a license to drive  
16 issued or renewed under this section shall expire at the end of a period that is  
17 equivalent to the expiration period applicable for an identification card under § 12–301  
18 of this article, a moped operator's permit under § 16–115 of this subtitle, or a license to  
19 drive under this subtitle.

20 (f) Except as otherwise expressly provided by law, an identification card, a  
21 moped operator's permit, or a license to drive issued under this section may be used  
22 for any purpose as legal identification of the holder to whom the identification card,  
23 moped operator's permit, or license to drive is issued.

24 (g) The Administration may establish a fee for the issuance or renewal of an  
25 identification card, a moped operator's permit, or a license to drive issued or renewed  
26 under this section.

27 (h) Except as expressly provided in this section, this section does not limit  
28 the application of any other provision of this article to an identification card, a moped  
29 operator's permit, or a license to drive issued under this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 ~~October 1, 2013~~ January 1, 2014.