

SENATE BILL 184

R4

71r0419

By: **Senators Greenip, Colburn, DeGrange, Dyson, Edwards, Haines, Harris, Hooper, Jacobs, Kittleman, Klausmeier, Mooney, Simonaire, and Stone**

Introduced and read first time: January 26, 2007

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Drivers’ Licensing of Illegal Aliens – Restrictions**

3 FOR the purpose of prohibiting, in order to facilitate compliance with the federal Real
4 ID Act, the Motor Vehicle Administration from issuing a new driver’s license to
5 an individual who cannot provide certain documentation certifying that the
6 individual is lawfully present in the United States in accordance with federal
7 law, except under certain circumstances; authorizing the Administration to
8 issue a new driver’s license under certain circumstances to an individual whose
9 documentation certifying lawful presence in the United States has expired;
10 prohibiting the Administration from issuing to a certain individual a driver’s
11 license that has a certain effective term; authorizing the Administration to
12 renew for certain periods the driver’s license of an individual not lawfully
13 present in the United States under certain circumstances; and generally
14 relating to drivers’ licenses and individuals who are not lawfully present in the
15 United States.

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 16–103.1
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2006 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Transportation**

2 16–103.1.

3 (A) The Administration may not issue a driver’s license to an individual:

4 (1) During any period for which the individual’s license to drive is
5 revoked, suspended, refused, or canceled in this or any other state, unless the
6 individual is eligible for a restricted license under § 16–113(e) of this subtitle;

7 (2) Who is an habitual drunkard, habitual user of narcotic drugs, or
8 habitual user of any other drug to a degree that renders the individual incapable of
9 safely driving a motor vehicle;

10 (3) Who previously has been adjudged to be suffering from any mental
11 disability or mental disease and who, at the time of application, has not been adjudged
12 competent;

13 (4) Who is required by this title to take an examination, unless the
14 individual has passed the examination;

15 (5) Whose driving of a motor vehicle on the highways the
16 Administration has good cause to believe would be inimical to public safety or welfare;

17 (6) Who is unable to exercise reasonable control over a motor vehicle
18 due to disease or a physical disability, including the loss of an arm or leg or both,
19 except that, if the individual passes the examination required by this title, the
20 Administration may issue the individual a restricted license requiring the individual
21 to wear a workable artificial limb or other similar body attachment;

22 (7) Who is unable to understand highway warning or direction signs
23 written in the English language;

24 (8) Who is unable to sign the individual’s name for identification
25 purposes;

26 (9) Who is 70 years old or older and applying for a new license, unless
27 the applicant presents to the Administration:

28 (i) Proof of the individual’s previous satisfactory operation of a
29 motor vehicle; or

1 (ii) A written certification acceptable to the Administration from
2 a licensed physician attesting to the general physical and mental qualifications of the
3 applicant; or

4 (10) Who otherwise does not qualify for a license under this title.

5 (B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
6 PARAGRAPH, THE ADMINISTRATION, IN ORDER TO FACILITATE COMPLIANCE
7 WITH THE FEDERAL REAL ID ACT, MAY NOT ISSUE A NEW DRIVER'S LICENSE TO
8 AN INDIVIDUAL WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE
9 ADMINISTRATION CERTIFYING THAT THE INDIVIDUAL IS LAWFULLY PRESENT IN
10 THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

11 (II) THE ADMINISTRATION MAY ISSUE A NEW DRIVER'S
12 LICENSE TO AN INDIVIDUAL WHOSE DOCUMENTATION CERTIFYING THE
13 INDIVIDUAL'S LAWFUL PRESENCE IN THE UNITED STATES HAS EXPIRED IF THE
14 INDIVIDUAL CAN PRODUCE DOCUMENTATION ACCEPTABLE TO THE
15 ADMINISTRATION INDICATING THAT:

16 1. THE INDIVIDUAL HAS APPLIED FOR
17 REINSTATEMENT OF THE INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE
18 UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND

19 2. A FINAL DETERMINATION HAS NOT BEEN MADE
20 ON THE APPLICATION FOR REINSTATEMENT.

21 (2) THE ADMINISTRATION MAY NOT ISSUE, TO AN INDIVIDUAL
22 WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE
23 UNITED STATES, A DRIVER'S LICENSE THAT HAS AN EFFECTIVE TERM THAT
24 EXCEEDS THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO
25 REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

26 (3) THE ADMINISTRATION MAY RENEW, FOR 1-YEAR PERIODS,
27 THE DRIVER'S LICENSE OF AN INDIVIDUAL WHO IS NOT LAWFULLY PRESENT IN
28 THE UNITED STATES IF THE INDIVIDUAL CAN PRODUCE DOCUMENTATION
29 ACCEPTABLE TO THE ADMINISTRATION INDICATING THAT:

30 (I) THE INDIVIDUAL HAS APPLIED FOR REINSTATEMENT OF
31 THE INDIVIDUAL'S STATUS AS LAWFULLY PRESENT IN THE UNITED STATES IN
32 ACCORDANCE WITH FEDERAL LAW; AND

1 **(II) A FINAL DETERMINATION HAS NOT BEEN MADE ON THE**
2 **APPLICATION FOR REINSTATEMENT.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.