

HOUSE BILL 180

R4

9lr0011

By: **Chair, Environment and Transportation Committee (By Request – Departmental – Transportation)**

Introduced and read first time: January 23, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2019

CHAPTER _____

1 AN ACT concerning

2 **Motor Vehicle Administration – Licenses and Identification Cards – Electronic**
3 **Credentials**

4 FOR the purpose of authorizing the Motor Vehicle Administration to issue electronic
5 credentials to certain individuals; establishing that a credential holder satisfies
6 certain license display requirements under certain circumstances; authorizing the
7 Administration to enter into agreements with certain entities to facilitate the
8 issuance, use, or verification of certain electronic credentials; authorizing the
9 Administration to create a certain electronic credential; requiring the
10 Administration to design the electronic credential in a certain manner; authorizing
11 the Administration to operate a certain verification system; requiring a credential
12 holder's consent in order for a certain person to access the verification system and
13 certain information; specifying the information that may be released through the
14 verification system; authorizing a third party to administer certain systems on
15 behalf of the Administration; authorizing the Administration to charge certain fees;
16 authorizing the Administration to adopt certain regulations; authorizing an alcoholic
17 beverages license holder or an employee of the license holder to accept an individual's
18 electronic credential as proof of the individual's age; defining certain terms; altering
19 certain definitions; and generally relating to licenses, identification cards, and the
20 issuance of electronic credentials.

21 BY repealing and reenacting, with amendments,

22 Article – Alcoholic Beverages

23 Section 6–305

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 (2016 Volume and 2018 Supplement)

3 BY repealing and reenacting, with amendments,
 4 Article – Transportation
 5 Section 11–116, 11–128, and 16–112
 6 Annotated Code of Maryland
 7 (2012 Replacement Volume and 2018 Supplement)

8 BY adding to
 9 Article – Transportation
 10 Section 16–1001 through 16–1005 to be under the new subtitle “Subtitle 10.
 11 Electronic Credentials”
 12 Annotated Code of Maryland
 13 (2012 Replacement Volume and 2018 Supplement)

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

16 **Article – Alcoholic Beverages**

17 6–305.

18 A license holder or an employee of the license holder may accept as proof of an
 19 individual’s age:

20 (1) if the individual is a resident of the State, the individual’s driver’s
 21 license or identification card as provided for in the Maryland Vehicle Law; [or]

22 (2) a United States military identification card; OR

23 (3) **THE INDIVIDUAL’S ELECTRONIC CREDENTIAL ISSUED BY THE**
 24 **MOTOR VEHICLE ADMINISTRATION UNDER TITLE 16, SUBTITLE 10 OF THE**
 25 **TRANSPORTATION ARTICLE.**

26 **Article – Transportation**

27 11–116.

28 (A) “Driver’s license” means any license or permit to drive a motor vehicle that is
 29 issued under Title 16 of this article.

30 (B) **“DRIVER’S LICENSE” DOES NOT INCLUDE AN ELECTRONIC CREDENTIAL**
 31 **ISSUED UNDER TITLE 16, SUBTITLE 10 OF THIS ARTICLE.**

32 11–128.

1 (A) “License”, as used in reference to the operation of a motor vehicle, means any:

2 (1) Driver’s license; and

3 (2) Any other license or permit to drive a motor vehicle that is issued under
4 or granted by the laws of this State, including:

5 (i) Any temporary license;

6 (ii) A learner’s instructional permit;

7 (iii) A provisional license;

8 (iv) The privilege of any individual to drive a motor vehicle, whether
9 or not that individual is formally licensed by this or any other jurisdiction;

10 (v) Any nonresident’s privilege to drive, as defined in this subtitle;
11 and

12 (vi) A commercial driver’s license.

13 (B) **“LICENSE” DOES NOT INCLUDE AN ELECTRONIC CREDENTIAL ISSUED**
14 **UNDER TITLE 16, SUBTITLE 10 OF THIS ARTICLE.**

15 16–112.

16 (a) **(1)** In this section[, “display”] **THE FOLLOWING WORDS HAVE THE**
17 **MEANINGS INDICATED.**

18 **(2)** **“CREDENTIAL HOLDER” HAS THE MEANING STATED IN § 16–1001**
19 **OF THIS TITLE.**

20 **(3)** **“DISPLAY”** means the manual surrender of the licensee’s license into
21 the hands of the demanding officer for inspection.

22 **(4)** **“ELECTRONIC CREDENTIAL” HAS THE MEANING STATED IN §**
23 **16–1001 OF THIS TITLE.**

24 (b) Each individual driving a motor vehicle on any highway in this State shall
25 have his license with him.

26 (c) **(1)** Each individual driving a motor vehicle on any highway in this State
27 shall display the license to any uniformed police officer who demands it.

1 **(2) A CREDENTIAL HOLDER IS DEEMED TO HAVE SATISFIED THE**
2 **DISPLAY REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE**
3 **UNIFORMED POLICE OFFICER IS ABLE TO ACCESS THE VERIFICATION SYSTEM**
4 **AUTHORIZED UNDER § 16-1003 OF THIS TITLE.**

5 (d) Each individual driving a motor vehicle on any highway in this State shall, if
6 requested by the officer, sign his usual signature in the presence of the officer so that the
7 officer may determine whether he is the licensee.

8 (e) A person may not give the name of another person or give a false or fictitious
9 name to any uniformed police officer who is attempting to determine the identity of a driver
10 of a motor vehicle.

11 **SUBTITLE 10. ELECTRONIC CREDENTIALS.**

12 **16-1001.**

13 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
14 **INDICATED.**

15 **(B) “CREDENTIAL HOLDER” MEANS THE INDIVIDUAL TO WHOM AN**
16 **ELECTRONIC CREDENTIAL IS ISSUED.**

17 **(C) “DATA FIELD” MEANS A DISCRETE PIECE OF INFORMATION PRINTED OR**
18 **OTHERWISE APPEARING ON A LICENSE OR AN IDENTIFICATION CARD.**

19 **(D) “ELECTRONIC CREDENTIAL” MEANS AN ELECTRONIC**
20 **REPRESENTATION OF A LICENSE, AN IDENTIFICATION CARD, OR A DATA FIELD.**

21 **(E) “FULL PROFILE” MEANS ALL THE INFORMATION PROVIDED ON A**
22 **LICENSE OR AN IDENTIFICATION CARD.**

23 **(F) “LIMITED PROFILE” MEANS A PORTION OF THE INFORMATION**
24 **PROVIDED ON A LICENSE OR AN IDENTIFICATION CARD.**

25 **16-1002.**

26 **(A) THE ADMINISTRATION MAY ISSUE AN ELECTRONIC CREDENTIAL TO AN**
27 **INDIVIDUAL IN ADDITION TO, AND NOT INSTEAD OF, A LICENSE OR AN**
28 **IDENTIFICATION CARD IF THE ADMINISTRATION HAS ISSUED TO THE INDIVIDUAL:**

29 **(1) A LICENSE; OR**

30 **(2) AN IDENTIFICATION CARD UNDER § 12-301 OF THIS ARTICLE.**

1 **(B) THE ADMINISTRATION MAY ENTER INTO AGREEMENTS WITH AN**
2 **AGENCY OF THE STATE, ANOTHER STATE, OR THE UNITED STATES TO FACILITATE**
3 **THE ISSUANCE, USE, AND VERIFICATION OF ELECTRONIC CREDENTIALS ISSUED BY**
4 **THE ADMINISTRATION OR ANOTHER STATE.**

5 **(C) THE ADMINISTRATION MAY CREATE AN ELECTRONIC CREDENTIAL**
6 **THAT:**

7 **(1) IS CAPABLE OF PRODUCING BOTH A FULL PROFILE AND A LIMITED**
8 **PROFILE; AND**

9 **(2) SATISFIES THE PURPOSE FOR WHICH THE PROFILE IS BEING**
10 **PRESENTED.**

11 **(D) THE ADMINISTRATION SHALL DESIGN THE ELECTRONIC CREDENTIAL**
12 **IN A MANNER THAT ALLOWS THE CREDENTIAL HOLDER TO MAINTAIN PHYSICAL**
13 **POSSESSION OF THE DEVICE ON WHICH THE ELECTRONIC CREDENTIAL IS ACCESSED**
14 **DURING VERIFICATION.**

15 **16-1003.**

16 **(A) THE ADMINISTRATION MAY OPERATE A VERIFICATION SYSTEM FOR**
17 **ELECTRONIC CREDENTIALS.**

18 **(B) (1) ACCESS TO THE VERIFICATION SYSTEM AND ANY DATA FIELD BY A**
19 **PERSON PRESENTED WITH AN ELECTRONIC CREDENTIAL REQUIRES THE**
20 **CREDENTIAL HOLDER'S CONSENT.**

21 **(2) IF CONSENT IS GRANTED UNDER PARAGRAPH (1) OF THIS**
22 **SUBSECTION, THE ADMINISTRATION MAY RELEASE THROUGH THE VERIFICATION**
23 **SYSTEM:**

24 **(I) FOR A FULL PROFILE, ALL DATA FIELDS THAT APPEAR ON**
25 **THE PHYSICAL CREDENTIAL THAT CORRESPONDS WITH THE ELECTRONIC**
26 **CREDENTIAL THAT IS BEING VERIFIED; AND**

27 **(II) FOR A LIMITED PROFILE, ONLY THE DATA FIELDS**
28 **REPRESENTED IN THE LIMITED PROFILE FOR THE PHYSICAL CREDENTIAL THAT**
29 **CORRESPONDS WITH THE ELECTRONIC CREDENTIAL THAT IS BEING VERIFIED.**

30 **(C) A THIRD PARTY MAY ADMINISTER ON BEHALF OF THE ADMINISTRATION**
31 **ANY SYSTEM DEVELOPED TO FACILITATE THE ISSUANCE, VERIFICATION, AND USE**
32 **OF ELECTRONIC CREDENTIALS.**

1 16-1004.

2 THE ADMINISTRATION MAY CHARGE A FEE FOR:

3 (1) THE ISSUANCE OF AN ELECTRONIC CREDENTIAL; AND

4 (2) THE USE OF AN ELECTRONIC VERIFICATION SYSTEM.

5 16-1005.

6 THE ADMINISTRATION MAY ADOPT REGULATIONS TO CARRY OUT THIS
7 SUBTITLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.