

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 28

(Delegate Ebersole)

Environment and Transportation

Judicial Proceedings

Vehicle Laws – Driver’s Licenses Confiscated for Real ID Compliance – Issuance
and Display of Recall Notice

This emergency bill allows a person to satisfy the general requirement that each individual driving a motor vehicle on a highway in the State carry a license (and display the license to any uniformed police officer who demands) it by possessing (and displaying) a recall notice issued within the previous 60 days by a law enforcement officer. **The bill terminates December 31, 2024.**

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues to the extent fewer drivers receive citations. Enforcement can be handled with existing resources. Transportation Trust Fund expenditures may increase minimally to develop and make the required form available to law enforcement agencies; any such impact is expected to be absorbable within existing budgeted resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: If a law enforcement officer confiscates an individual’s driver’s license for failure to submit required documentation, the officer must issue to the individual a written recall notice that includes (1) the reason for the confiscation of the license; (2) a statement that the individual’s driving privileges have not been revoked as a result of the

confiscation; (3) instructions on how the individual may submit the required documents to receive a valid driver's license; and (4) the date of the issuance of the recall notice.

The Motor Vehicle Administration (MVA) must develop a form for the recall notice and make the form available to all law enforcement agencies in the State.

Current Law/Background: Persons driving on a Maryland highway are required to carry their driver's license with them and to display it to a uniformed police officer on demand. Failure to do so is a misdemeanor; the prepaid fine established by the District Court is \$50.

Upon request by an officer, a person must sign his or her usual signature in the presence of the officer so that the officer may determine whether he or she is the licensee. A person may not give the name of another person (or give a false or fictitious name) to any uniformed police officer who is attempting to determine their identity.

Chapter 142 of 2019 authorizes MVA to issue an "electronic credential" to an individual in addition to (and not instead of) a license or an identification (ID) card if MVA has already issued either physical credential to the individual. For purposes of satisfying the requirement that an individual must display a license to any uniformed police officer who demands it, Chapter 142 specifies that an electronic credential holder is deemed to have satisfied the requirement only if the uniformed police officer is able to access the verification system for electronic credentials.

Driver's License Applications

Each application for a driver's license must be made on the form that MVA requires. The application must include, among other things, the applicant's full name, Maryland residence address, race, sex, height, weight, general physical condition, date of birth, and any other pertinent information required by MVA. An applicant must also provide specified documentary evidence that the applicant has a valid Social Security number or that the applicant is not eligible for a Social Security number. Each noncommercial Class A, B, C, or M license issued by MVA must be of the size, design, and content specified by MVA, including the licensee's name and residence address, date of birth, a description, height, weight, sex, a color photograph, the type or class of vehicles that the license authorizes the licensee to drive, the signature and seal of the issuing agent, and a space for the signature of the licensee. When issued and signed, a driver's license authorizes the licensee to drive any vehicle of the type or class specified on it, subject to any restrictions endorsed on the license.

A Maryland noncommercial driver's license issued to an applicant age 21 or older is valid for a maximum of eight years. MVA typically sends a renewal notice at least 60 days before a license expiration date. However, an applicant does not need the notice to apply. If the

applicant is age 25 or older, the individual is permitted to apply for a renewal license at any time during the period from six months before the license expires to one year after it expires. (However, a person is prohibited from driving – or attempting to drive – with an expired license.)

If an individual is younger than age 21, the applicant must wait until his or her 21st birthday or thereafter to renew; the applicant's license will expire no later than 60 days after his or her 21st birthday.

The renewal fee for an eight-year noncommercial driver's license is \$48.

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 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.

State Revenues: Full enforcement of REAL ID requirements begins October 1, 2020. Until that time, some portion of Maryland drivers will hold noncompliant licenses, with more licensees becoming compliant as the deadline approaches. The number of licensees who may have a driver's license confiscated for noncompliance *and* subsequently be issued a citation for driving a vehicle without a license or failing to display a license as requested by a police officer cannot be reliably estimated. However, to the extent fewer citations are issued to such individuals as a result of the bill, any effect on revenues is expected to be minimal.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 173 (Senator Hester) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of State Police; Department of Legislative Services

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