

# SENATE BILL 77

R4, E2

0lr1119

(PRE-FILED)

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By: **Senator Ellis**

Requested: October 30, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Identification Cards and Driver's License Renewals – Inmates**

3 FOR the purpose of repealing a certain requirement that the Commissioner of Correction  
4 adopt certain regulations; repealing a certain requirement that the Commissioner of  
5 Correction issue a certain identification card to an inmate on release from a  
6 correctional facility; requiring the Motor Vehicle Administration to issue an  
7 identification card that meets certain requirements to an inmate on release from a  
8 correctional facility; requiring the Administration, in consultation with the  
9 Commissioner of Correction, to adopt certain regulations; providing that a license  
10 held by an inmate in a correctional facility remains in full force and effect during the  
11 inmate's term of confinement; requiring the Administration to renew an inmate's  
12 license on release from a correctional facility under certain circumstances; and  
13 generally relating to identification cards and driver's license renewals for released  
14 inmates.

15 BY repealing and reenacting, without amendments,  
16 Article – Correctional Services  
17 Section 1–101(a), (d), and (i)  
18 Annotated Code of Maryland  
19 (2017 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Correctional Services  
22 Section 9–609  
23 Annotated Code of Maryland  
24 (2017 Replacement Volume and 2019 Supplement)

25 BY repealing  
26 Article – Correctional Services  
27 Section 9–609.1

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)

BY adding to  
Article – Transportation  
Section 12–301.1  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,  
Article – Transportation  
Section 16–115  
Annotated Code of Maryland  
(2012 Replacement Volume and 2019 Supplement)

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

### **Article – Correctional Services**

1–101.

(a) In this article the following words have the meanings indicated.

(d) “Correctional facility” means a facility that is operated for the purpose of  
detaining or confining adults who are charged with or found guilty of a crime.

(i) “Inmate” means an individual who is actually or constructively detained or  
confined in a correctional facility.

9–609.

(a) Whenever a date of release from confinement in a State correctional facility is  
a Saturday, Sunday, or legal holiday, the inmate shall be released on the first preceding  
day that is not a Saturday, Sunday, or legal holiday.

(b) The Commissioner of Correction shall adopt regulations[:

(1)] establishing a release plan for inmates upon release from confinement  
in a State correctional facility to help identify resources to assist inmates following release,  
including the provision of transportation from the facility for an inmate upon release[; and

(2) implementing the provisions of § 9–609.1 of this subtitle concerning  
issuance of an identification card to inmates on release from confinement in a State  
correctional facility].

[9–609.1.

(a) The Commissioner of Correction shall issue an identification card to an inmate before release from confinement in a State correctional facility.

(b) The identification card issued under subsection (a) of this section shall meet the requirements for secondary identification for the purpose of an identification card issued by the Motor Vehicle Administration under § 12–301 of the Transportation Article.]

## **Article – Transportation**

### **12–301.1.**

**(A) IN THIS SECTION, “CORRECTIONAL FACILITY” AND “INMATE” HAVE THE MEANINGS STATED IN § 1–101 OF THE CORRECTIONAL SERVICES ARTICLE.**

**(B) THE ADMINISTRATION SHALL ISSUE AN IDENTIFICATION CARD TO AN INMATE BEFORE RELEASE FROM CONFINEMENT IN A CORRECTIONAL FACILITY.**

**(C) THE IDENTIFICATION CARD ISSUED UNDER SUBSECTION (B) OF THIS SECTION SHALL MEET THE REQUIREMENTS FOR SECONDARY IDENTIFICATION FOR THE PURPOSE OF AN IDENTIFICATION CARD ISSUED BY THE ADMINISTRATION UNDER § 12–301 OF THIS SUBTITLE.**

**(D) THE ADMINISTRATION, IN CONSULTATION WITH THE COMMISSIONER OF THE DIVISION OF CORRECTION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

### **16–115.**

(a) (1) Subject to paragraph (5) of this subsection, a license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee at the end of a period of not more than 8 years determined in regulations adopted by the Administration following the issuance of the license.

(2) Subject to paragraph (5) of this subsection, a license issued under this title to a driver under the age of 21 years shall expire not later than 60 days after the driver’s 21st birthday.

(3) A license is renewable on the presentation of an application, the payment of the renewal fee required by § 16–111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection [(i)] **(J)** of this section:

(i) Within 6 months before its expiration; or

(ii) When a driver qualifies for a corrected license issued under § 16–114.1(c) of this subtitle.

(4) Except as provided in subsection [(f)] (G) of this section, the Administration may not renew an individual's license for more than one consecutive term without requiring the individual to appear in person at an office of the Administration.

(5) (i) If an applicant has temporary lawful status, the Administration may not issue to the applicant a license to drive for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.

(ii) Nothing contained in this paragraph may be construed to allow the issuance of a temporary license to drive for a period longer than the period described in this subsection.

(iii) The Administration shall indicate on the face and in the machine-readable zone of a temporary license to drive that the license is a temporary license to drive.

(6) A holder of a temporary license to drive who had temporary lawful status at the time of the issuance of the temporary license to drive shall present satisfactory documentary evidence of lawful status if the holder applies for issuance or renewal of any license to drive under this subtitle.

(b) At least 60 days before a license expires, the Administration shall mail to each licensee, at the last address of the licensee shown in the records of the Administration, notice of the date on which the license will expire.

(c) The Administration may renew a license within 1 year after the expiration date without requiring a driving test.

(d) (1) A license held by a member of the armed forces of the United States who is absent from this State on active service in the armed forces of the United States, or a dependent of the member who is residing with the member outside the State, shall remain in full force and effect during such absence.

(2) The license also shall remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the licensee's return to this State, or the member's discharge or separation from active service:

(i) If the licensee has in the licensee's immediate possession, together with the licensee's driver's license, papers indicating the member's active service outside this State or the member's discharge or separation; and

(ii) If the license is not otherwise suspended, revoked, or canceled under this title during the 30-day period.

(e) (1) A license held by an individual who is a member of the Foreign Service of the United States and is absent from the State due to employment in the Foreign Service, or a license held by the spouse or a dependent of the individual who is residing with the individual outside the State, shall remain in full force and effect during the absence.

(2) A license held by an individual described in paragraph (1) of this subsection shall also remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the individual's return to the State, or the individual's separation from employment in the Foreign Service of the United States if:

(i) The individual has in the individual's immediate possession, together with the individual's driver's license, documentation acceptable to the Administration indicating that:

1. The individual is a member of the Foreign Service of the United States, or the spouse or a dependent of a member of the Foreign Service of the United States and resides outside the State; or

2. The individual was formerly a member of the Foreign Service of the United States, or the spouse or a dependent of a former member of the Foreign Service, and has returned to the State on separation of the member from employment with the Foreign Service; and

(ii) The license is not otherwise suspended, revoked, or canceled under this title during the 30-day period.

**(F) (1) IN THIS SUBSECTION, "CORRECTIONAL FACILITY" AND "INMATE" HAVE THE MEANINGS STATED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.**

**(2) A LICENSE HELD BY AN INMATE CONFINED AT A CORRECTIONAL FACILITY SHALL REMAIN IN FULL FORCE AND EFFECT DURING THE INMATE'S TERM OF CONFINEMENT.**

**(3) THE ADMINISTRATION SHALL RENEW AN INMATE'S LICENSE BEFORE RELEASE FROM CONFINEMENT IN A CORRECTIONAL FACILITY IF THE LICENSE:**

**(I) WOULD OTHERWISE HAVE EXPIRED UNDER THIS SECTION;  
AND**

**(II) IS NOT OTHERWISE SUSPENDED, REVOKED, OR CANCELED UNDER THIS TITLE.**

1       **[(f)] (G)**       If a licensee is absent from this State for cause, other than as provided  
2 in subsection (d) of this section, and is unable to renew the licensee's license in the manner  
3 required by this section, the licensee may renew by mail to the Administration. The renewal  
4 application shall be accompanied by the prescribed fee and a statement giving the reason  
5 for and the expected length of the absence. On receipt of the application, the Administration  
6 may issue a regular license which bears a photo or a notation that it is valid without a photo  
7 until 15 days after the licensee first returns to this State.

8       **[(g)] (H)**       An individual may not drive a motor vehicle on any highway in this  
9 State if the license issued to him under this title has expired.

10       **[(h)] (I)**       An individual may not attempt to drive a motor vehicle on any highway  
11 in this State if the license issued to the individual under this title has expired.

12       **[(i)] (J)**       (1)       Except as provided in paragraphs (2) and (3) of this subsection,  
13 the Administration shall require every individual applying for renewal of a driver's license  
14 to pass a vision test as prescribed by the Administration.

15               (2)       (i)       The Administration shall accept a certification of acceptable  
16 visual acuity from a licensed physician or optometrist instead of requiring the actual test  
17 provided for in this subsection.

18               (ii)       The examination for which certification is made shall take place  
19 within 12 months of the date of application for renewal.

20               (3)       An individual at least 21 years of age but under the age of 40 years may  
21 apply for renewal of a driver's license electronically or by mail or other means authorized  
22 by the Administration without taking a vision test if the applicant has passed a vision test  
23 authorized by the Administration within the previous 9 years.

24               (4)       (i)       If the Administration has reason to believe that an individual is  
25 a safety hazard by reason of a vision deficiency, the Administration may require the vision  
26 test provided for in this subsection at a time other than renewal of a driver's license.

27               (ii)       The Administration may adopt regulations to implement the  
28 provisions of this subsection.

29       **[(j)] (K)**       Before the expiration of a driver's license, if the Administration has  
30 reason to believe that an individual is not a safety hazard, but the individual is unable to  
31 pass a required knowledge test or vision test, the Administration may extend the  
32 individual's privilege to drive for a period not to exceed 90 days.

33       **[(k)] (L)**       (1)       The Administration may not renew the driver's license of an  
34 applicant who has not paid all undisputed taxes and unemployment insurance  
35 contributions payable to the Comptroller or the Secretary of Labor or provided for payment  
36 in a manner satisfactory to the unit responsible for collection.

1                   (2)     The Administration shall cooperate with the Comptroller and the  
2 Maryland Department of Labor to develop procedures and adopt regulations in accordance  
3 with this section.

4                   (3)     Regulations adopted under this subsection shall require:

5                           (i)     The Comptroller to notify the Administration that an individual  
6 has not paid all undisputed taxes; and

7                           (ii)    The Maryland Department of Labor to notify the Administration  
8 that an individual has not paid all undisputed unemployment insurance contributions.

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2020.