

HOUSE BILL 28

R4

EMERGENCY BILL
(PRE-FILED)

0lr0313
CF SB 173

By: **Delegate Ebersole**

Requested: July 29, 2019

Introduced and read first time: January 8, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2020

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws – Driver’s Licenses Confiscated for Real ID Compliance – ~~Failure~~**
3 **~~to Possess or Display~~ Issuance and Display of Recall Notice**

4 FOR the purpose of ~~establishing an exception to certain requirements that an individual~~
5 ~~possess or display a driver’s license under certain circumstances if the individual’s~~
6 ~~license has been confiscated by a law enforcement officer within a certain amount of~~
7 ~~time for failure to submit certain documents to the Motor Vehicle Administration~~
8 authorizing certain individuals to satisfy the requirement to possess and display a
9 driver’s license while driving a motor vehicle by carrying and displaying a certain
10 recall notice issued under this Act for a certain period of time; requiring a law
11 enforcement officer who confiscates an individual’s driver’s license for failure to
12 submit certain documents to provide the holder of the license a certain recall notice
13 that includes certain information; requiring the Motor Vehicle Administration to
14 develop a form for the recall notice and to provide the form to law enforcement
15 agencies; making this Act an emergency measure; providing for the termination of
16 this Act; and generally relating to requirements to possess or display a driver’s
17 license.

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 16–112
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2019 Supplement)

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.



BY adding to
Article – Transportation
Section 16–112.1
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 – Transportation

16–112.

(a) (1) In this section the following words have the meanings indicated.

(2) “Credential holder” has the meaning stated in § 16–1001 of this title.

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

(4) “Electronic credential” has the meaning stated in § 16–1001 of this title.

(b) ~~[Each] EXCEPT AS PROVIDED IN~~ **SUBJECT TO SUBSECTION (D) OF THIS SECTION, EACH** individual driving a motor vehicle on any highway in this State shall have his license with him.

(c) (1) ~~[Each] EXCEPT AS PROVIDED IN~~ **SUBJECT TO SUBSECTION (D) OF THIS SECTION, EACH** individual driving a motor vehicle on any highway in this State shall display the license to any uniformed police officer who demands it.

(2) A credential holder is deemed to have satisfied the display requirement under paragraph (1) of this subsection only if the uniformed police officer is able to access the verification system authorized under § 16–1003 of this title.

~~(d) SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT APPLY TO AN INDIVIDUAL WHOSE LICENSE HAS BEEN CONFISCATED BY A LAW ENFORCEMENT OFFICER WITHIN THE PREVIOUS 90 DAYS FOR FAILURE TO SUBMIT THE DOCUMENTS REQUIRED UNDER § 16–106 OF THIS SUBTITLE~~ **AN INDIVIDUAL MAY SATISFY SUBSECTIONS (B) AND (C) OF THIS SECTION BY POSSESSING AND DISPLAYING A RECALL NOTICE ISSUED WITHIN THE PREVIOUS 60 DAYS TO THE INDIVIDUAL UNDER § 16–112.1 OF THIS SUBTITLE.**

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

1 [(e)] (F) A person may not give the name of another person or give a false or
2 fictitious name to any uniformed police officer who is attempting to determine the identity
3 of a driver of a motor vehicle.

4 16-112.1.

5 (A) IF A LAW ENFORCEMENT OFFICER CONFISCATES AN INDIVIDUAL'S
6 DRIVER'S LICENSE FOR FAILURE TO SUBMIT THE DOCUMENTS REQUIRED UNDER §
7 16-106 OF THIS SUBTITLE, THE OFFICER SHALL ISSUE TO THE INDIVIDUAL A
8 WRITTEN RECALL NOTICE THAT INCLUDES:

9 (1) THE REASON FOR THE CONFISCATION OF THE LICENSE;

10 (2) A STATEMENT THAT THE INDIVIDUAL'S DRIVING PRIVILEGES
11 HAVE NOT BEEN REVOKED AS A RESULT OF THE CONFISCATION;

12 (3) INSTRUCTIONS ON HOW THE INDIVIDUAL MAY SUBMIT THE
13 REQUIRED DOCUMENTS TO RECEIVE A VALID DRIVER'S LICENSE; AND

14 (4) THE DATE OF THE ISSUANCE OF THE RECALL NOTICE.

15 (B) THE ADMINISTRATION SHALL:

16 (1) DEVELOP A FORM FOR THE RECALL NOTICE REQUIRED BY THIS
17 SECTION; AND

18 (2) MAKE THE FORM AVAILABLE TO ALL LAW ENFORCEMENT
19 AGENCIES IN THE STATE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
21 measure, is necessary for the immediate preservation of the public health or safety, has
22 been passed by a ye and nay vote supported by three-fifths of all the members elected to
23 each of the two Houses of the General Assembly, and shall take effect from the date it is
24 enacted. It shall remain effective through December 31, 2024, and, at the end of December
25 31, 2024, this Act, with no further action required by the General Assembly, shall be
26 abrogated and of no further force and effect.