

HOUSE BILL 1479

M2, D4

2lr3459

By: **Delegate O'Donnell**

Rules suspended

Introduced and read first time: March 25, 2012

Rules suspended

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting, Fishing, and Boat Manufacturer's or Dealer's License Applications –**
3 **Disclosure of Information**

4 FOR the purpose of establishing that the Department of Natural Resources may only
5 require an applicant, and a license applicant may only be required, to provide
6 certain information on an application for a hunting, fishing, or boat
7 manufacturer's or dealer's license; creating for hunting, fishing, or boat
8 manufacturer's or dealer's license applications an exception to the requirements
9 that a licensing authority require a license applicant to disclose the full Social
10 Security number of the applicant and record the Social Security number on the
11 application; altering the information that a request for information from a
12 hunting, fishing, or boat manufacturer's or dealer's license application made by
13 the Child Support Enforcement Administration to the Department of Natural
14 Resources is required to contain; altering the information from a hunting,
15 fishing, or boat manufacturer's or dealer's license application that the
16 Department of Natural Resources is required to submit to the Child Support
17 Enforcement Administration after receiving a request for information; making
18 certain stylistic changes; and generally relating to information required to be
19 disclosed to or by the Department of Natural Resources on or from a hunting,
20 fishing, or boat manufacturer's or dealer's license application.

21 BY repealing and reenacting, with amendments,
22 Article – Family Law
23 Section 10–119.3
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2011 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 4–202
2 Annotated Code of Maryland
3 (2005 Replacement Volume and 2011 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Natural Resources
6 Section 4–205(l), 4–604(d) and (e), and 4–704(a)
7 Annotated Code of Maryland
8 (2005 Replacement Volume and 2011 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Natural Resources
11 Section 8–702 and 8–710(a)
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 8–710(c) and 10–301(d) and (e)
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2011 Supplement)

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

21 **Article – Family Law**

22 10–119.3.

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

24 (2) “License” means any license, certificate, registration, permit, or
25 other authorization that:

26 (i) is issued by a licensing authority;

27 (ii) is subject to suspension, revocation, forfeiture, or
28 termination by a licensing authority; and

29 (iii) is necessary for an individual to practice or engage in a
30 particular business, occupation, or profession.

31 (3) (i) “Licensing authority” means a department, unit of a
32 department, commission, board, office, or court of the State.

33 (ii) “Licensing authority” includes:

- 1 1. the Department of Labor, Licensing, and Regulation;
- 2 2. the Department of Health and Mental Hygiene;
- 3 3. the Department of Human Resources;
- 4 4. the Department of Transportation;
- 5 5. the Department of the Environment;
- 6 6. the Comptroller of the Treasury;
- 7 7. the Department of Agriculture;
- 8 8. the Maryland Insurance Administration;
- 9 9. the Public Service Commission;
- 10 10. the Secretary of State;
- 11 11. the State Department of Education;
- 12 12. the Department of Natural Resources;
- 13 13. the Office of the Attorney General;
- 14 14. the clerks of the court that are authorized to issue a
15 license or certificate for professional services or recreational uses; and
- 16 15. the Court of Appeals.

17 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
18 SUBSECTION, A licensing authority shall:

19 [(1)] (I) require each applicant for a license to disclose the Social
20 Security number of the applicant; and

21 [(2)] (II) record the applicant's Social Security number on the
22 application.

23 (2) THE DEPARTMENT OF NATURAL RESOURCES SHALL:

24 (I) REQUIRE AN APPLICANT FOR A HUNTING, FISHING, OR
25 BOAT MANUFACTURER'S OR DEALER'S LICENSE TO DISCLOSE THE LAST FOUR
26 DIGITS ONLY OF THE SOCIAL SECURITY NUMBER OF THE APPLICANT; AND

1 **(II) RECORD THE APPLICANT'S PARTIAL SOCIAL SECURITY**
2 **NUMBER ON THE APPLICATION.**

3 (c) (1) To carry out its responsibility under State and federal law, the
4 Administration may request from a licensing authority information concerning any
5 obligor in arrears in paying child support through a support enforcement agency.

6 (2) A request for information by the Administration under paragraph
7 (1) of this subsection:

8 (i) shall contain:

9 1. the full name of the obligor; and

10 2. the Social Security number **OR, AS APPROPRIATE,**
11 **THE PARTIAL SOCIAL SECURITY NUMBER** of the obligor; and

12 (ii) may be transmitted to a licensing authority using an
13 electronic format.

14 (3) A request for information may not be made by the Administration
15 to a licensing authority more frequently than four times in each calendar year except
16 with respect to an obligor whom the Administration has reason to believe is licensed
17 by, or has applied for a license from, the licensing authority.

18 (4) In addition to requests for information under this subsection, the
19 Administration may request a licensing authority to periodically share its licensing
20 database with the Administration.

21 (d) (1) Upon receipt of a request for information under subsection (c) of
22 this section, a licensing authority shall submit the following information to the
23 Administration with respect to each obligor who is licensed by, or has applied for a
24 license from, the licensing authority:

25 (i) the full name of the obligor;

26 (ii) the address of the obligor, if known;

27 (iii) the Social Security number **OR, AS APPROPRIATE, THE**
28 **PARTIAL SOCIAL SECURITY NUMBER** of the obligor, if known; and

29 (iv) a description of the license held by the obligor.

30 (2) The information may be transmitted to the Administration in an
31 electronic format.

1 (3) Except as otherwise provided by law, any record compiled under
2 this subsection shall be made available only to a person who has a right to the record
3 in an official capacity.

4 (e) (1) Except as provided in paragraph (3) of this subsection and subject
5 to the provisions of subsection (f) of this section, the Administration may request a
6 licensing authority to suspend or deny an individual's license if:

7 (i) 1. the individual is in arrears amounting to more than
8 120 days under the most recent order; and

9 2. A. the Administration has accepted an assignment
10 of support under § 5-312(b)(2) of the Human Services Article; or

11 B. the recipient of support payments has filed an
12 application for support enforcement services with the Administration; or

13 (ii) the individual has failed to comply with a subpoena issued
14 by the Administration under § 10-108.6 of this subtitle.

15 (2) Except as provided in paragraph (3) of this subsection, upon
16 notification by the Administration under this section, a licensing authority shall:

17 (i) suspend an individual's license; or

18 (ii) deny the license of an individual who is an applicant for a
19 license from the licensing authority.

20 (3) (i) This paragraph applies if the licensing authority is the
21 Court of Appeals.

22 (ii) If an individual meets the criteria specified in paragraph (1)
23 of this subsection, the Administration may make a referral to the Attorney Grievance
24 Commission for proceedings in accordance with the Maryland Rules governing
25 attorney discipline.

26 (iii) On recommendation of the Attorney Grievance Commission,
27 the Court of Appeals may suspend an individual's license or take other action against
28 the individual as authorized by the Maryland Rules governing attorney discipline.

29 (iv) The Court of Appeals may adopt rules to implement the
30 provisions of this paragraph.

31 (f) (1) At least 30 days before requesting a licensing authority to suspend
32 or deny a license or at least 30 days before making a referral under subsection (e)(3) of
33 this section, the Administration shall:

1 (i) send written notice of the proposed action to the individual
2 whose license is subject to suspension under this section, including notice of the
3 individual's right to request an investigation; and

4 (ii) give the individual a reasonable opportunity to contest the
5 accuracy of the information.

6 (2) (i) Upon receipt of a request for investigation from an
7 individual whose license is subject to suspension, the Administration shall conduct an
8 investigation.

9 (ii) Upon completion of the investigation, the Administration
10 shall notify the individual of the result of the investigation and the individual's right
11 to appeal to the Office of Administrative Hearings.

12 (3) (i) An appeal under this section shall be conducted in
13 accordance with Title 10, Subtitle 2 of the State Government Article.

14 (ii) An appeal shall be made in writing and shall be received by
15 the Office of Administrative Hearings within 30 days after the notice to the individual
16 whose license is subject to suspension of the results of the investigation.

17 (4) If, after the investigation or appeal to the Office of Administrative
18 Hearings, the Administration finds that it erred in making a decision, the
19 Administration may not send a notification about an individual to a licensing
20 authority or make a referral under subsection (e)(3) of this section.

21 (g) The Administration may not send a notification about an individual to a
22 licensing authority or make a referral under subsection (e)(3) of this section if:

23 (1) with respect to an individual with a child support arrearage:

24 (i) the Administration reaches an agreement with the
25 individual regarding a scheduled payment of the child support arrearage or a court
26 issues an order for a scheduled payment of the child support arrearage; and

27 (ii) the individual is complying with the agreement or court
28 order; or

29 (2) with respect to an individual who failed to comply with a subpoena
30 issued under § 10–108.5 of this subtitle, the individual has complied with the
31 subpoena.

32 (h) (1) Except as provided in paragraph (2) of this subsection, prior to the
33 suspension or denial of a license under subsection (e) of this section, a licensing
34 authority shall send written notice of the proposed action to the individual whose
35 license is subject to suspension or denial, including notice of the individual's right to

1 contest the identity of the individual whose license or application is to be suspended or
2 denied.

3 (2) If the licensing authority is the Court of Appeals, notice shall be as
4 provided in the Maryland Rules governing attorney discipline.

5 (i) (1) (i) Except as provided in paragraph (2) of this subsection, an
6 individual may appeal a decision of a licensing authority to suspend or deny the
7 individual's license in accordance with Title 10, Subtitle 2 of the State Government
8 Article.

9 (ii) At a hearing under this paragraph, the issue shall be limited
10 to whether the Administration has mistaken the identity of the individual whose
11 license has been suspended or denied.

12 (2) If the licensing authority is the Court of Appeals, an individual
13 may appeal a decision in accordance with the Maryland Rules governing attorney
14 discipline.

15 (j) The Administration shall notify the licensing authority to reinstate any
16 license suspended or denied under this section within 10 days after the occurrence of
17 any of the following events:

18 (1) the Administration receives a court order to reinstate the
19 suspended license; or

20 (2) with respect to an individual with a child support arrearage, the
21 individual has:

22 (i) paid the support arrearage in full; or

23 (ii) demonstrated good faith by paying the ordered amount of
24 support for 4 consecutive months; or

25 (3) with respect to an individual whose license was suspended or
26 denied because of a failure to comply with a subpoena issued under § 10-108.5 of this
27 subtitle, the individual has complied with the subpoena.

28 (k) A licensing authority shall immediately reinstate any license suspended,
29 or process an application for any license denied, under this section if:

30 (1) notified by the Administration that the license should be
31 reinstated; and

32 (2) the individual otherwise qualifies for the license.

33

1 4-202.

2 The Secretary is responsible for conservation management of the fish, fisheries,
3 fish resources and aquatic life within the State.

4 4-205.

5 (l) (1) The Department [shall] **MAY ONLY** require an applicant for any
6 recreational license under this title to provide [the applicant's]:

7 **(I) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
8 **APPLICANT;**

9 **(II) THE DATE OF BIRTH OF THE APPLICANT; AND**

10 **(III) THE LAST FOUR DIGITS ONLY OF THE** Social Security
11 **number OF THE APPLICANT**, if the applicant has a Social Security number.

12 (2) Except as provided in § 10-617 of the State Government Article,
13 the **PARTIAL** Social Security number of an applicant may not be disclosed as part of
14 the public record of the application.

15 4-604.

16 (d) **(1)** A person may apply for an angler's license to any person
17 designated by the Department.

18 **(2)** The application shall be on a form the Department prepares and
19 supplies.

20 **(3)** The applicant shall fill out, sign and submit the application to the
21 person designated to issue an angler's license.

22 **(4)** A person may apply by mail.

23 (e) An applicant for a license issued under this section [shall] **MAY ONLY BE**
24 **REQUIRED TO** provide [all the information requested by the Department] on forms
25 issued by the Department:

26 **(1) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
27 **APPLICANT;**

28 **(2) THE DATE OF BIRTH OF THE APPLICANT; AND**

1 **(3) THE LAST FOUR DIGITS ONLY OF THE SOCIAL SECURITY**
2 **NUMBER OF THE APPLICANT.**

3 4-704.

4 (a) An applicant for a license to catch finfish [shall] **MAY ONLY BE**
5 **REQUIRED TO** furnish [information the Department requires] **TO THE**
6 **DEPARTMENT:**

7 **(1) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
8 **APPLICANT;**

9 **(2) THE DATE OF BIRTH OF THE APPLICANT; AND**

10 **(3) THE LAST FOUR DIGITS ONLY OF THE SOCIAL SECURITY**
11 **NUMBER OF THE APPLICANT.**

12 8-702.

13 It is the intent of this subtitle to foster the development, use, and enjoyment of
14 all the waters of Maryland. The State shall cooperate to the fullest possible extent
15 with neighboring states and the federal government in connection with assistance and
16 rescue operations and in enforcement of laws and regulations relating to recreational
17 boating safety.

18 8-710.

19 (a) A manufacturer or dealer may not conduct his business in the State
20 unless licensed as a manufacturer or dealer pursuant to regulations the Department
21 adopts.

22 (c) **(1)** Application for a manufacturer's or dealer's license is made on the
23 form the Department prescribes and contains the name and address of the applicant.

24 **(2)** If the applicant is a partnership, the application shall include the
25 name and address of each partner.

26 **(3)** If the applicant is a corporation, the application shall contain the
27 names of the principal officers of the corporation, the state of incorporation, the
28 addresses of every place where the business is conducted, the nature of the business,
29 and any other information the Department requires.

30 **(4)** Every application shall be verified by oath or affirmation of the
31 applicant if an individual, or by the partner or officer if the applicant is a partnership
32 or corporation.

1 **(5) THE DEPARTMENT MAY ONLY REQUIRE THE LAST FOUR**
2 **DIGITS OF A SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER ON AN**
3 **APPLICATION.**

4 **(6) A license fee fixed by the Department not to exceed \$25 shall**
5 **accompany every application.**

6 10-301.

7 (d) **(1) A person may apply for a hunter's license to any person designated**
8 **by the Department.**

9 **(2) The application shall be on a form the Department prepares and**
10 **supplies.**

11 **(3) The applicant shall fill out, sign, and submit the application to the**
12 **person designated to issue the hunter's license.**

13 **(4) A person may apply by mail.**

14 (e) **(1) The application [shall] MAY ONLY BE REQUIRED TO contain [the**
15 **applicant's name, height, color of eyes and hair, occupation, place of residence, and**
16 **Social Security number]:**

17 **(I) THE FULL FIRST, MIDDLE, AND LAST NAME OF THE**
18 **APPLICANT;**

19 **(II) THE DATE OF BIRTH OF THE APPLICANT; AND**

20 **(III) THE LAST FOUR DIGITS ONLY OF THE SOCIAL SECURITY**
21 **NUMBER OF THE APPLICANT.**

22 **(2) If the applicant is a nonresident, the applicant also shall present**
23 **the applicant's driver's license, voter's card, or resident hunter's license.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2012.