



SENATE JUDICIAL PROCEEDINGS COMMITTEE

March 5, 2024

SB 1096: Vehicle Laws – Licenses, Identification Cards, and Moped Operator's Permits – Identification of Nonapparent Disability

Position: Support with Amendments

The Arc Maryland is the largest statewide advocacy organization dedicated to the rights and quality of life of children and adults with intellectual and developmental disabilities and their families.

Our Governmental Affairs Committee meets weekly during the Legislative Session, and is co-chaired by Tony Zanfordino, father of a young man with Down syndrome, and Dorothy Plantz, mother of an autistic adult. The committee has discussed the merits of this legislation and expressed both potentially beneficial aspects of/and concerns with creating a voluntary program to identify ND (Nonapparent Disability) on Maryland MVA cards. We understand why some individuals with nonapparent disabilities and some families may want this option for themselves or their loved ones, however, The Arc Maryland Governmental Affairs Committee raised concerns about police training and accountability, ensuring personal choice is honored to allow a person to add or remove the designation at any time for any reason, and receiving assurances from the MVA that a choice to voluntarily add the ND designation to an MVA card will not be used in determinations for Medical advisory board review requirements.

We request the following amendments to the bill:

1. Add requirements for police training and accountability.

Adding an ND designation to an MVA card will not automatically result in better outcomes for people with nonapparent disabilities in encounters with police. The Ethan Saylor Alliance was created from a bill passed in 2015, aimed at providing increased training for members of law enforcement and other public service employees on the specific, and somewhat specialized needs of people with developmental and intellectual disabilities. Under the program, self-advocates take the lead in training that educates and informs members of law enforcement and first responders about what they may encounter in the line of duty when interacting with a person with developmental disabilities. Unfortunately,

the appropriation to fund the ESA has stagnated. More funding and support for the program are needed to ensure law enforcement receive essential training to assist them in their understanding about people with developmental disabilities, some of whom have nonapparent disabilities. As one of our members expressed, "it is my greatest fear that my loved one is going to see police, initially run, then reach into their pocket to produce a card they think will protect them, and be harmed. Police need to be trained on this possible circumstance and be held accountable for their actions.

2. Ensure a person is able to remove the notation from the card, and an indication of the notation from the MVA system at any time, for any reason.

Through conversations with employees of the MVA, we understand the current MVA system to add notations to an individual's MVA card would create an electronic record. Further, it is our understanding that information provide by an individual about their disability will be forever stored in the system once collected, and may not be completely purged. This is important when considering whether this legislation should be open to all people or just adults who can make decisions about what they want on their permanent MVA record.

We strongly recommend consideration be given to strengthen the awareness of the Blue Card law which already requires the Maryland MVA to provide voluntary Developmental Disability Self-Disclosure Cards to people upon request. These blue cards may be used by someone with a developmental disability to self-disclose a disability to police. The individual keeps their blue cards with their government issued ID or license. On one side of the card, the person can include information they want law enforcement to know about them and their disability, such as but not limited to whether they use words to communicate, have slow reaction/response time, or have sensitivities to sound, touch, etc. The MVA has these cards available upon request and has been expanding its awareness campaign of the available option for Marylanders with disabilities. The use of these cards does not create an electronic record of voluntary disability disclosure as SB 1096 would do.

3. Require MVA to ensure the information disclosed by a person to obtain an ND notation is not used as a basis for referring the individual to the Medical Advisory Board.

Through previous conversations with the MVA, we understand the placement of an ND designation on a driver's license could be used as the basis for a referral to the Medical Advisory Board. This could trigger the requirement to have a physician recertify the ability of the individual to drive periodically. The presence of a nonapparent disability should not automatically flag a person for this level of scrutiny. Therefore, it is important this bill include that the Motor Vehicle Administration shall not use the information disclosed by a person as a basis for referring the person to the Medical Advisory Board.

The amendments are important to our members to ensure health and safety, prevent stigma, and protect against targeted victimization. We appreciate the opportunity to provide testimony and encourage a favorable report of SB 1096, with the adoption of these amendments.

For more information, please contact

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Sincerely,

Anthony J Zanfordino

ArcMD Governmental Affairs- Co-Chair