



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

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 Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. The Council is led by a diverse group of people with developmental disabilities and family members of people with developmental disabilities.

The Council seeks to ensure that people with developmental disabilities have the same rights, opportunities, choices, and protections as other citizens. We absolutely prioritize the need for people with developmental disabilities to be protected and respected by law enforcement. In fact, our Five-Year State Plan that guides our work, includes two objectives and a variety of activities to support that priority.

There are many strong and diverse opinions about this issue and this bill among people with developmental disabilities and their families. Arguments range from the identification of a disability on a license or identification card will protect people with disabilities by providing necessary information to law enforcement during interactions with people with disabilities, to the deeply held belief that it is not possible to ensure adequate protections or safety for people with disabilities without more training and accountability for law enforcement.

Therefore, the Council can only support SB 1096 which allows a person to indicate a nonapparent disability on their license, government identification, or moped operator’s permit **IF the following amendments are included:**

- 1. Ensure a person has the ability to remove the indication from a license or government issued identification at any time, and that the information provided cannot be used as the basis for referring someone to the Medical Advisory Board.** We understand the current system used by the Motor Vehicle Administration (MVA) creates an electronic record, and the information about a person’s disability will be forever stored in the system once any information is collected. So, for example, if a parent chooses to indicate a child’s nonapparent disability, that information remains on the child’s record even as they age and remains even if, at the age of 18, the person no longer wants that information indicated.
 - **In 2020, the Maryland General Assembly passed SB885/HB1118 (Ch. 427) to require the Maryland MVA to provide voluntary Developmental Disability Self-Disclosure Cards.** These cards may be used by someone with a developmental disability to self-disclose a disability to police. The cards are kept with a person’s government issued identification or driver’s license. On one side of the card, the person with disabilities can include information

about their disability, how they communicate, and any other pertinent information to share with law enforcement personnel. The cards are designed to signal to officers that the driver has a disability and that they may need to communicate differently. The MVA now has these cards available upon request. **The use of these cards does NOT create an electronic record of voluntary disability disclosure as SB 1096 would do.**

2. **Include more mandatory training for law enforcement that is consistent across the entire State.** In 2015, the Maryland General Assembly passed legislation to create the Ethan Saylor Alliance (ESA) for Self Advocates as Educators. The ESA provides training for members of law enforcement and other public service entities on specific needs of those with developmental and intellectual disabilities. Under the ESA, people with disabilities take the central role in educating and informing law enforcement about the specific needs of those with disabilities and how to safely and supportively interact with people with disabilities. By allowing people with disabilities to lead the trainings, ESA is following best practices in creating change with law enforcement. **More needs to be done to fund this best practice and promote people with disabilities to lead trainings with law enforcement.**
3. **Establish and include specific accountability measures of law enforcement.** Once the required training is completed, the law enforcement officer should be expected to engage with Marylanders with disabilities as they were trained. If they are in violation, penalties or disciplinary measures should be implemented.
4. **If a notation moves forward, with the amendments above, people with disabilities have to be included in the discussion about what notation is used so as to not offend the community members we seek to protect.**

The amendments are important to the members of the Council. Our members feel strongly about the need to preserve the rights of people with disabilities so we avoid stigma and targeted victimization. Finally, our members feel strongly that we need to protect people with disabilities who choose not to self-identify. That means if a person with disabilities does not want to use a disability notation on their ID, they should be treated with the same compassion, understanding, and respect as other Marylanders.

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