

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader - Revised

Senate Bill 292
Judicial Proceedings

Motor Vehicles - Secondary Enforcement and Admissibility of Evidence

This bill subjects specified vehicle offenses to secondary enforcement only. A police officer's failure to comply with these limitations may be grounds for administrative disciplinary action against the officer and any evidence obtained by the officer under such circumstances is inadmissible in any trial or other proceeding. Additionally, the bill requires a police officer to document all reasons for a traffic stop (or other stop) on any citation or police report resulting from the stop. The failure of a police officer to comply with existing specified existing statutory requirements at a traffic stop or other stop may serve as the basis for exclusion of evidence under the exclusionary rule.

Fiscal Summary

State Effect: Potential significant decrease in general fund revenues, beginning in FY 2026, due to foregone fine revenues. Transportation Trust Fund (TTF) revenues decrease due to fewer referrals to the Motor Vehicle Administration (MVA) for noncompliance with vehicle registration requirements. General fund expenditures for the Judiciary increase by \$19,100 in FY 2026 only for one-time computer programming. While the bill reduces District Court caseloads beginning in FY 2026, State expenditures are not likely affected. The bill may have an operational effect on the Department of State Police (DSP), as discussed below.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Required Actions at Traffic Stops and Other Stops

Under current law, at the commencement of a traffic stop or other stop, absent exigent circumstances, a police officer must (1) display proper identification to the stopped individual; (2) provide to the stopped individual the officer's name, the officer's identification number, and the name of the officer's law enforcement agency; and (3) provide the stopped individual with the reason for the traffic stop or other stop. A police officer's failure to comply with these requirements (1) may be grounds for administrative disciplinary action against the officer and (2) *may not* serve as the basis for the exclusion of evidence under the exclusionary rule.

Under the bill, a police officer's failure to comply with these requirements *may* serve as the basis for the exclusion of evidence under the exclusionary rule.

Citations for Traffic Offenses

Under current law, violations of the Maryland Vehicle Law are subject to primary enforcement unless otherwise specified. Accordingly, a police officer may detain a driver for a suspected violation of most provisions of the Maryland Vehicle Law without having to first suspect a violation of another State law.

Under the bill, the following vehicle offenses under the Transportation Article are subject to *secondary enforcement only*:

- **§ 13-401** (driving or allowing an unregistered vehicle to be driven);
- **§ 13-411** (improperly displaying registration plates and tabs);
- **§ 13-701** (driving a vehicle without evidence of registration);
- **§ 13-703** (unauthorized use of registration card, plate, special plate, permit, or certificate of title);
- **§ 21-604** (failing to comply with turning, slowing, and stopping movements; failing to give required signals);
- **§ 21-605** (failing to give signals by hand and arm or signal lamps);
- **§ 21-1111** (putting glass, injurious substances, or refuse on highways, bridges, or public waters);
- **§ 21-1117** (engaging in skidding, spinning of wheels, and excessive noisemaking);
- **§ 21-1133** (driving, standing, or parking a vehicle in a dedicated bus lane);
- **§ 22-101(a)(2)** (committing any forbidden act or failing to do any act required under Title 22 of the Transportation Article);

- § 22-203 (headlamp requirements);
- § 22-204 (tail lamp requirements; failing to properly illuminate rear registration plate);
- § 22-206 (stop lamp and electric turn signal requirements);
- § 22-403 (mirrors' requirements);
- § 22-406 (safety glass requirements); and
- § 22-602 (exceeding the maximum sound limits, as specified in § 22-601, when driving a vehicle on a highway).

The bill does not alter the penalties for these offenses. A person convicted of any of these offenses is guilty of a misdemeanor and subject to a maximum fine of \$500; none of these are incarcerated offenses. **Exhibit 1** displays, for the above-listed offenses, the maximum prepayment penalties, the number of points MVA may assess against a driver's license for a violation, and the number of fiscal 2024 violations, guilty dispositions, and prepayment requests in the District Court.

Compliance with Vehicle Registration Requirements

Among other things, unless otherwise exempted, § 13-411 of the Transportation Article requires two registration plates to be displayed in all vehicles in Maryland, with one attached on the front and other on the rear of the vehicle. An owner of a vehicle may not drive the vehicle on any highway in the State without validated registration plates. Expired registration plates may not be displayed. A person who violates § 13-411 is guilty of a misdemeanor and is subject to a fine of up to \$500 or a prepayment fine of \$70.

Section 13-411 imposes a duty on every police officer to report to MVA any vehicle that is operating without validated registration plates. In turn, MVA must verify whether the owner of a reported vehicle has complied with requirements of § 13-411.

Under § 13-701 of the Transportation Article, a person is prohibited from driving a vehicle on any highway in Maryland unless the person carries a current registration card and the vehicle displays current registration plates. Additionally, an owner of a vehicle may not knowingly permit the vehicle to be driven on a State highway without the vehicle displaying current registration plates and a current registration card being carried. A person who violates § 13-701 is guilty of a misdemeanor and is subject to a fine of up to \$500 or a prepayment fine of \$60.

Under the bill, in addition to limiting a police officer to enforcing § 13-411 and § 13-701 as secondary actions only, an officer is prohibited from stopping a vehicle for displaying an expired registration prior to the first day of the fourth month following the registration's original expiration date.

Exhibit 1

Maximum and Prepayment Penalties, MVA Points Assessments, and FY 2024 District Court Data for Specified Traffic Offenses

Section <u>Violated</u>	Maximum <u>Penalty</u>	Prepayment <u>Penalty</u>	Points <u>Assessed</u>	FY 2024 <u>Violations</u>	FY 2024 Guilty <u>Dispositions</u>	FY 2024 Prepayment <u>Requests</u>
§ 13-401	\$500	\$150 - \$290	0	36,399	14,205	10,796
§ 13-411	\$500	\$70	0	61,636	29,064	23,776
§ 13-701	\$500	\$60	0	180	83	70
§ 13-703	\$500	\$290	0	6,640	1,038	549
§ 21-604	\$500	\$90	1	647	208	162
		\$130 (if CTA)	3 (if CTA)			
§ 21-605	\$500	\$90	1	98	28	22
		\$130 (if CTA)	3 (if CTA)			
§ 21-1111	\$500	\$140	2	269	151	132
		\$180 (if CTA)	3 (if CTA)			
§ 21-1117	\$500	\$70	1	296	154	140
		\$110 (if CTA)	3 (if CTA)			
§ 21-1133	\$500	\$90	1	2	0	0
		\$150 (if CTA)	3 (if CTA)			
§ 22-101(a)(2)	\$500	\$70	0	809	318	248
§ 22-203	\$500	\$60 - \$70	0	424	131	98
§ 22-204	\$500	\$70	0	1,209	394	311
§ 22-206	\$500	\$70	0	352	89	69
§ 22-403	\$500	\$70	0	108	29	17
§ 22-406	\$500	\$70	0	4,249	2,231	1,883
§ 22-602	\$500	\$60	0	1	0	0

CTA: contributes to an accident

FY: fiscal year

MVA: Motor Vehicle Administration

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

State Revenues: General fund revenues decrease, potentially significantly beginning in fiscal 2026 due to reduced fine collections from traffic violations. TTF revenues decrease due to decreased referrals by law enforcement to MVA for noncompliance with vehicle registration requirements. However, as discussed below, the exact magnitude of these revenue decreases is unknown and can only be determined with actual experience under the bill.

General Fund Revenues

As noted above, under the bill, a police officer may not enforce specified offenses as a primary action. It is unknown how many fewer traffic stops will occur and, thus, how many fewer traffic citations will be issued, as a result of these restrictions. DSP notes that it will advise its troopers to stop making traffic stops because of the risk of administrative sanctions, including termination. While DSP did not provide statistics, the bill may preclude an appreciable number of DSP traffic stops.

According to data provided by the Judiciary (and as shown in Exhibit 1), in fiscal 2024, a total of 113,319 citations were issued for violations that the bill would restrict to secondary enforcement. During fiscal 2024, there were 48,123 guilty dispositions and 38,273 prepayment requests associated with these offenses. It is unknown how many of the 113,319 citations could continue to be issued because they were issued during traffic stops that involved other violations that remain subject to primary enforcement under the bill.

Violations of Transportation Article § 13-401 (driving or allowing an unregistered vehicle to be driven) and § 13-411 (improperly displaying registration plates or tabs) accounted for 86.5% of the citations, 89.9% of the guilty dispositions, and 90.3% of the prepayment requests referenced above. In addition to unknown eligibility for secondary enforcement, data is not readily available regarding how many of these citations involved registrations that were expired for more than four months after the original expiration date.

To the extent that fewer citations are issued (resulting in fewer payments of fines and prepayment requests), general fund revenues decrease, potentially significantly, due to foregone fine revenues. Without actual experience under the bill, the exact magnitude of this decrease cannot be reliably estimated.

Transportation Trust Fund Revenues

MVA advises that the bill (1) reduces the number of referrals it receives from law enforcement regarding noncompliance with MVA registration requirements discovered during traffic stops and (2) may contribute to additional noncompliance. When MVA receives law enforcement referrals, it investigates the alleged violations and engages in

enforcement actions, if necessary, which may include various avenues for revenue recovery (e.g., late fees/fines for unpaid or expired registrations). MVA also advises that some motorists who currently comply with its vehicle registration requirements may choose to let their registrations lapse, knowing that police officers are no longer permitted to pull them over solely because they have an expired registration.

While the affected violations can still be enforced as secondary actions, subject to additional restrictions on enforcement for registrations that have been expired for less than four months, the exact magnitude of any reduction in MVA referrals (and corresponding TTF revenues) resulting from the bill and its effect on overall driver compliance with MVA registration requirements cannot be reliably determined at this time.

State Expenditures: General fund expenditures for the Judiciary increase by \$19,120 in fiscal 2026 only for one-time computer programming to reflect the bill's provisions.

District Court caseloads decrease to the extent that fewer citations for specified offenses are issued and go to trial as a result of the bill. Regardless of any reduction in caseloads experienced under the bill, it is assumed that District Court personnel are redirected to other tasks. Thus, the bill is not expected to affect District Court caseload-related expenditures.

While the bill reduces DSP traffic stops, this estimate assumes that resources corresponding to DSP traffic stops that are eliminated under the bill will be redirected to other tasks. Thus, the bill is not expected to materially affect DSP expenditures.

Local Fiscal Effect: While the bill may alter operations for local law enforcement, any such impact is not expected to materially affect local expenditures.

The Maryland Association of Counties advises that the bill is not anticipated to have a meaningful impact on local government finances or operations. Calvert and Prince George's counties advise that the bill is not expected to affect their revenues or expenditures. Baltimore City advises that the bill increases the number of police discipline actions for improper traffic stops, with associated contractual legal costs of up to \$250,000 per year for trial boards and other disciplinary case matters.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 635 (Delegate Phillips, *et al.*) - Judiciary and Environment and Transportation.

Information Source(s): Calvert and Prince George's counties; Baltimore City; City of Annapolis; Governor's Office of Crime Prevention and Policy; Maryland Association of Counties; Maryland Municipal League; Department of Natural Resources; Department of Public Safety and Correctional Services; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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