

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 81
(Delegate Phillips)

Judiciary and Environment and
Transportation

Motor Vehicles - Police Stops - Secondary Enforcement and Excludable Evidence

This bill subjects specified vehicle offenses to secondary enforcement only. 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 statutory requirements at a traffic stop or other stop may serve as the basis for exclusion of evidence under the exclusionary rule. The bill applies retroactively to proceedings not finally adjudicated by the bill's October 1, 2026 effective date.

Fiscal Summary

State Effect: Potential significant decrease in general fund revenues, beginning in FY 2027, 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 \$4,200 in FY 2027 only for one-time computer programming. While the bill reduces District Court caseloads beginning in FY 2027, 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(d)-(e) (driving or knowingly allowing a vehicle to be driven with an unpaid registration fee);
- § 13-411(f) (displaying an expired registration plate issued by any state);
- § 13-701 (driving a vehicle without evidence of registration);
- § 21-1111 (putting glass, injurious substances, or refuse on highways, bridges, or public waters);
- § 22-203(b) (failing to have both headlamps on the front of a motor vehicle working, if at least one headlamp is working);
- § 22-204(f) (failing to properly illuminate a rear registration plate and render it clearly legible from a distance of 50 feet to the rear);
- § 22-403(d) (failing to have two operable outside rearview mirrors when the inside rearview mirror is obstructed); and
- § 22-406(i) (operating a vehicle with unauthorized window tinting materials).

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 2025 violations, guilty dispositions, and prepayment requests in the District Court.

Under existing law, § 22-203(b) of the Transportation Article states that every motor vehicle (other than a motorcycle) must be equipped with at least two headlamps – with one on each side of the front of the vehicle – that emit white light and comply with all other requirements and limitations set forth in Title 22. The bill, however, specifies that if a motor vehicle (other than a motorcycle) has at least one working headlamp on the front of the vehicle that emits white light and otherwise complies with Title 22, a police officer may only enforce such a violation as a secondary action. If both headlamps on the front of a motor vehicle are not working, a police officer is still authorized to conduct primary enforcement of such a violation.

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.

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.

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 2025 District Court Data for
Specified Traffic Offenses

<u>Section Violated</u>	<u>Maximum Penalty</u>	<u>Prepayment Penalty</u>	<u>Points Assessed</u>	<u>FY 2025 Violations</u>	<u>FY 2025 Guilty Dispositions</u>	<u>FY 2025 Prepayment Requests</u>
§ 13-401(d)	\$500	\$290	0	2,374	931	468
§ 13-401(e)	\$500	\$290	0	400	88	49
§ 13-411(f)	\$500	\$70	0	35,108	21,675	17,832
§ 13-701	\$500	\$60	0	184	87	69
§ 21-1111	\$500	\$140	2	239	158	126
		\$180 (if CTA)	3 (if CTA)			
§ 22-203(b)	\$500	\$70	0	452	195	129
§ 22-204(f)	\$500	\$70	0	1,150	474	312
§ 22-403(d)*	\$500	n/a	n/a	n/a	n/a	n/a
§ 22-406(i)	\$500	\$70	0	5,481	3,278	2,693

CTA: contributes to an accident

FY: fiscal year

MVA: Motor Vehicle Administration

Note: § 22-403(d) is not a new offense; however, the Judiciary notes that § 22-403(d) is not currently listed within its traffic database. The Judiciary advises that it will be added to the database in accordance with this bill.

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

State Revenues: General fund revenues decrease, potentially significantly, beginning in fiscal 2027 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. 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 2025, a total of 45,388 citations were issued for violations that the bill would restrict to secondary enforcement. During fiscal 2025, there were 26,886 guilty dispositions and 21,678 prepayment requests associated with these offenses. It is unknown how many of the 45,388 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 § 13-411(f) (displaying an expired registration plate issued by any state) accounted for 77.4% of the citations, 80.6% of the guilty dispositions, and 82.3% 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

The bill is likely to reduce the number of referrals that MVA receives from law enforcement regarding noncompliance with MVA registration requirements discovered during traffic stops and 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). Additionally, some motorists who

currently comply with MVA's 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.

The Maryland Transportation Authority (MDTA) advises that the bill reduces its ability to collect unpaid tolls by creating a disincentive to maintain proper vehicle registration. MDTA is authorized by statute to flag vehicle registrations for nonpayment of tolls, which results in a registration refusal or suspension depending on the amount owed.

State Expenditures: General fund expenditures for the Judiciary increase by \$4,194 in fiscal 2027 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 and local efforts to recoup unpaid tickets and unpaid automated traffic enforcement violations, any such impact is not expected to materially affect local finances. The fines and prepayment penalties paid for the vehicle offenses affected by the bill are State general fund revenues. However, local jurisdictions do place administrative flags on vehicle registrations for unpaid tickets, such as parking tickets and red light and speed camera violations.

The Maryland Municipal League advises that the bill may slightly reduce fine revenue from citations, as well as impose modest new training and documentation requirements on municipalities. Prince George's County advises that the bill is not expected to directly impact its police department. For a similar bill introduced in the 2025 session, the Maryland Association of Counties advised that the legislation was not anticipated to have a meaningful impact on local government finances or operations.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years; however, legislation with similar provisions has been proposed. For example, see SB 292 and HB 635 of 2025.

Designated Cross File: SB 55 (Senator Sydnor) - Judicial Proceedings.

Information Source(s): Prince George's County; Maryland Association of Counties; Maryland Municipal League; Governor's Office of Crime Prevention and Policy; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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