



# **RACIAL EQUITY IMPACT NOTE**

DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2025 Session  
SB0292

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## **Motor Vehicles - Secondary Enforcement and Admissibility of Evidence**

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### **Bill Summary**

This bill limits a police officer to enforcing specified provisions of the Maryland Vehicle Law as secondary actions 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.

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### **Racial Equity Impact Statement**

In Maryland, secondary offenses are traffic violations that can only be cited after a driver has already been stopped for a primary violation. The bill's provisions limit enforcement of 16 traffic violations to secondary enforcement, establish additional documentation requirements for law enforcement officers conducting traffic stops or other stops, and discourage noncompliance with disciplinary action and exclusion of evidence rules for legal and other proceedings. Data from the Judiciary shows that Black drivers are nearly four times more likely than their white counterparts to be issued citations for violations that the bill would restrict to secondary enforcement. In 2024, Black drivers accounted for a disproportionate number of total citations issued as well as the overall number of citations that were prepaid. As a group, Black drivers, however, were less likely to prepay a citation compared to their white counterparts. This may be indicative of economic burdens that make unplanned payments difficult. Overall, the bill will benefit drivers in the State, particularly Black drivers that are most impacted by disparities in traffic stops and resulting citations. The remaining provisions of the bill will also help in documenting law enforcement activity for equity purposes and ensure that the bill's provisions are enforced in practice.

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## Analysis

The bill (1) authorizes police officers to enforce certain provisions of the Maryland Vehicle Law only as a secondary action under the Transportation Article; (2) requires police officers to document all reasons for a traffic stop or other stop on a citation or police report resulting from the stop; and (3) establishes that evidence obtained during a traffic stop or other stop in violation of the secondary enforcement provisions is inadmissible in certain proceedings.

### *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 incarcerable offenses.

Under the bill, in addition to limiting a police officer to enforcing the specified registration laws 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.

### *Impacts of the Bill*

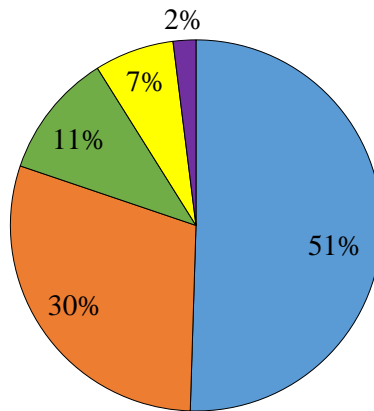
As noted above, under the bill, a police officer may not enforce the specified offenses as a primary action. There is no data readily available to estimate how many fewer traffic stops will occur and how many fewer traffic citations will be issued as a result of the bill's restrictions. According to data provided by the Judiciary, in 2024, a total of 113,319 citations were issued for violations that the bill would restrict to secondary enforcement. 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 87% of the citations. The data does not specify what portion of these violations were cited under secondary enforcement, nor is data readily available regarding how many of these citations involved registrations that were expired for more than four months after the original expiration date.

### *Race and Ethnicity of Maryland's Driving Population*

For purposes of this impact note, "age-eligible drivers" refers to drivers who are at least 16 years of age. **Exhibit 1** shows the racial and ethnic breakdown for Maryland's population of individuals aged 16 and over in 2023. The demographics for the 4.98 million age-eligible drivers in the State were 51% white, 30% Black, 11% Hispanic, 7% Asian, and 2% two or more races.

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**Exhibit 1**  
**Maryland's Age 16+ Driving Population**  
**2023**



■ White ■ Black ■ Hispanic ■ Asian ■ Two or More Races

Source: U.S. Census Bureau; Department of Legislative Services

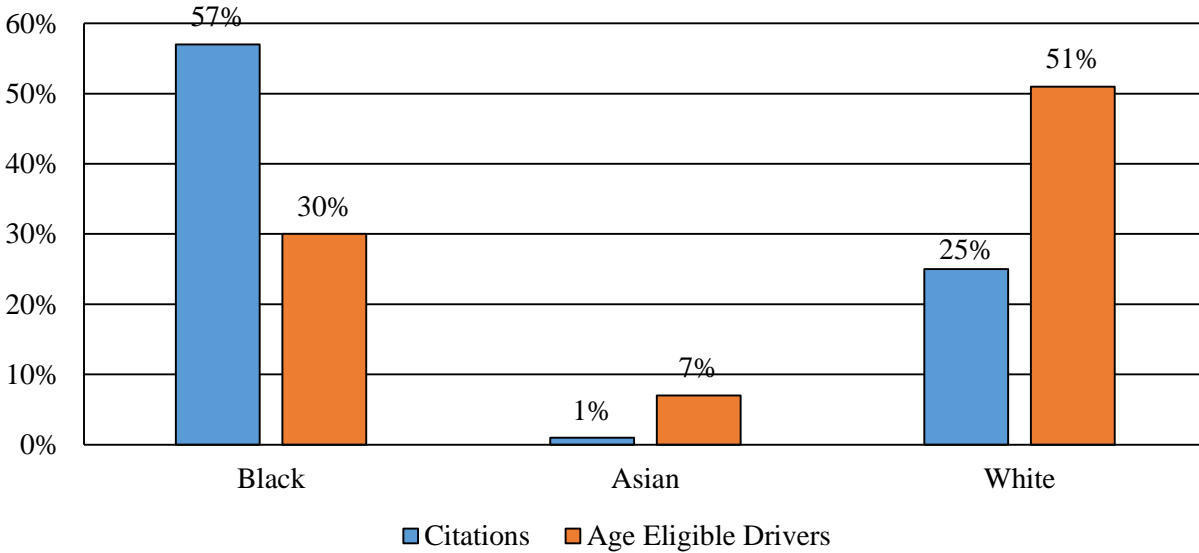
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*Traffic Offense Citations Restricted to Secondary Enforcement*

The Judiciary also provided calendar 2024 data regarding the racial makeup of drivers who received traffic citations for the violations covered by the bill. **Exhibit 2** shows citations received by racial group compared to their portion of eligible drivers in the State. Of the traffic citations issued for violations that the bill would restrict to secondary enforcement, 57% were issued to Black drivers, 25% to white drivers, and 1% to Asian drivers. The racial group for approximately 16% of drivers was recorded as unknown.

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**Exhibit 2**  
**District Court Data for Specified**  
**Traffic Offense Citations**  
**2024**



Source: Administrative Office of the Courts; Department of Legislative Services

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As shown in Exhibit 2, Black drivers are overrepresented as recipients of the traffic citations slated for secondary enforcement under the bill. The remaining citations issued to white and Asian drivers were lower than their respective proportions of the driving population in the State.

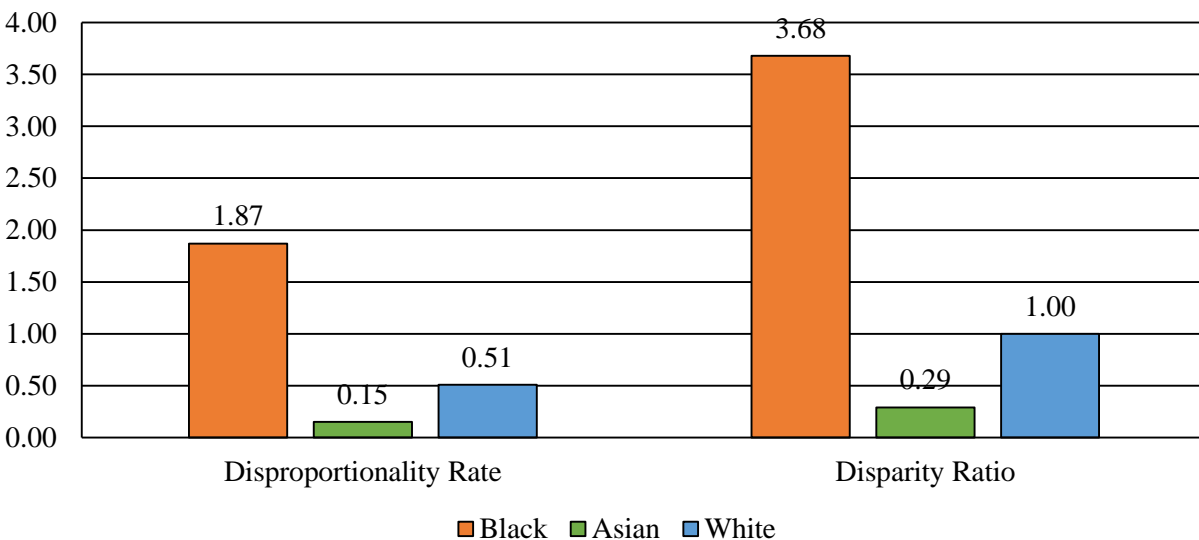
*Racial Disproportionality and Disparity Ratios for Traffic Offense Citations*

**Exhibit 3** demonstrates the disproportionality and disparity evident in citations issued for the specified violations identified by the bill. The disproportionality rate for Black drivers is 1.87, which means that Black drivers are nearly twice as likely to be issued a traffic citation for the specified violations than what would be expected given their proportion of the State’s driving population. White and Asian drivers have disproportionality ratios of 0.51 and 0.15, respectively, which means those individuals are significantly less likely to be issued a traffic citation for violations under the bill given their respective proportions of the State’s driving population.

Exhibit 3 also shows how disparity ratios vary by race for drivers issued a traffic citation for violations under the bill. Black drivers in Maryland have a racial disparity ratio of 3.68, which means they are nearly four times likelier to be issued a traffic citation involving offenses under the bill compared to white drivers in the State. Asian drivers have a disparity ratio of 0.29, which means these individuals are much less likely to be issued a traffic citation compared to white drivers.

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**Exhibit 3**  
**Racial Disproportionality and Disparity Ratios for Specified Traffic Offense Citations**



Source: Administrative Office of the Courts; U.S. Census Bureau; Department of Legislative Services

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*Prepaid Citations for the Traffic Offenses Restricted to Secondary Enforcement Under the Bill*

During 2024, approximately 54,512 traffic citations issued for the specified violations were recorded as guilty by the Judiciary. Of the citations with guilty dispositions, 45,195, or 83%, were prepaid citations in which drivers simply paid the penalty in lieu of making an appearance in court, effectively waiving their right to a trial.

Approximately 49% of prepaid citations were from Black drivers, which is an expected result of their overrepresentation in traffic citations. However, data on the rate of prepaid citations paid by racial group shows that Black drivers elect to prepay at a much lower rate than their white counterparts. Of the total citations issued to Black drivers in 2024, 34% were prepaid compared to white drivers who prepaid at a rate of 50%. While the causes of the lower prepayment rate for Black drivers is unknown, it is consistent with State data indicating that Black individuals in general have lower rates of employment, income, and higher cost burdens for housing. This impact note does not assess or compare the other possible case outcomes, such as probation before judgement, Stet, dismissals, or acquittals.

While the Judiciary data is not conclusive, as it only provides a one-year snapshot, it does provide some context regarding how various subpopulations fare with traffic citations. The overrepresentation of Black drivers – both compared to their proportion of all drivers in the State and compared to white drivers – reinforces national and State trends that show Black drivers are more likely to be the subject of a traffic stop (or other stops) than other racial groups. The data also suggests, as evidenced by their lower prepaid citation rate, that Black drivers are more likely

than white drivers to either go to court or possibly ignore citations instead of prepaying, as these are the other possible outcomes after receiving a citation. This pattern may indicate that citations are more of a financial burden for Black drivers.

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## **Conclusion**

Traffic citation data from the Judiciary confirms substantial racial inequities in traffic citations for violations that the bill would restrict to secondary enforcement. Most notably, Judiciary data shows that Black drivers were overrepresented in traffic citations and guilty dispositions in 2024 for traffic offenses that the bill would restrict to secondary enforcement. Accordingly, the bill would likely reduce the disproportionate and disparate outcomes that negatively impact drivers, particularly Black drivers, by eliminating the ability of law enforcement to initiate traffic stops solely for the relatively minor traffic violations addressed by the bill.

While the traffic data does not explain the actual causes of the overrepresentation of Black drivers with regard to traffic citations, it is indicative of systemic inequities observed generally in statewide criminal justice data. As past research has consistently shown, Black and Hispanic drivers are more likely to be stopped, searched, and cited compared to white drivers. The magnitude of the bill's impacts is expected to be meaningful, but additional data is required to measure these impacts. This includes data regarding secondary versus primary enforcement, failure to appear, license suspensions, and point assessments.

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**Information Sources:** Administrative Office of the Courts; U.S. Census Bureau; Office of the Attorney General; Department of Housing and Community Development; Baltimore County Police Department; Department of Legislative Services

**Analysis by:** Dr. Jasmón Bailey

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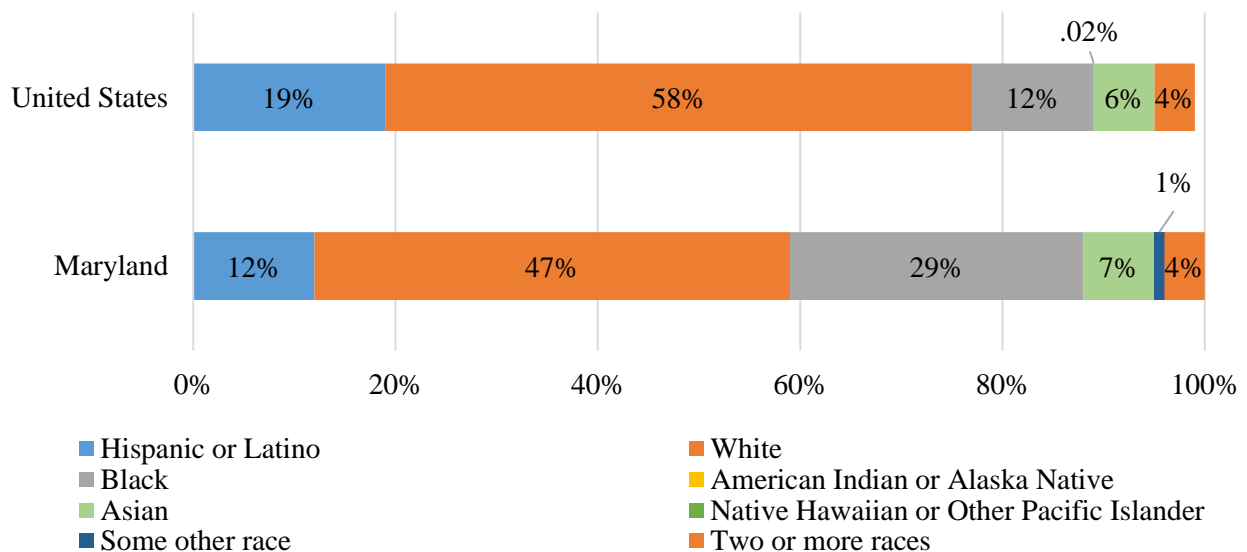
## Appendix – Maryland Demographics

### *Race and Ethnicity of the Maryland Population*

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest race demographic group in the State at 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national populations, the largest shares of the non-white population are individuals who are Black, with 29% of the State population identifying only as Black and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

**Exhibit 1**  
**U.S. and Maryland Population by Race and Ethnicity**  
**2020**



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.