



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND • GENERAL • ASSEMBLY

2026 Session
HB0081

Motor Vehicles - Police Stops - Secondary Enforcement and Excludable Evidence

Bill Summary

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.

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 8 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 in legal and other proceedings. Data from the Judiciary shows that Black drivers are over three 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 share of total citations issued and of prepaid citations. 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 reduce the disproportionate and disparate outcomes that negatively impact drivers, particularly Black drivers who 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.

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(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 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

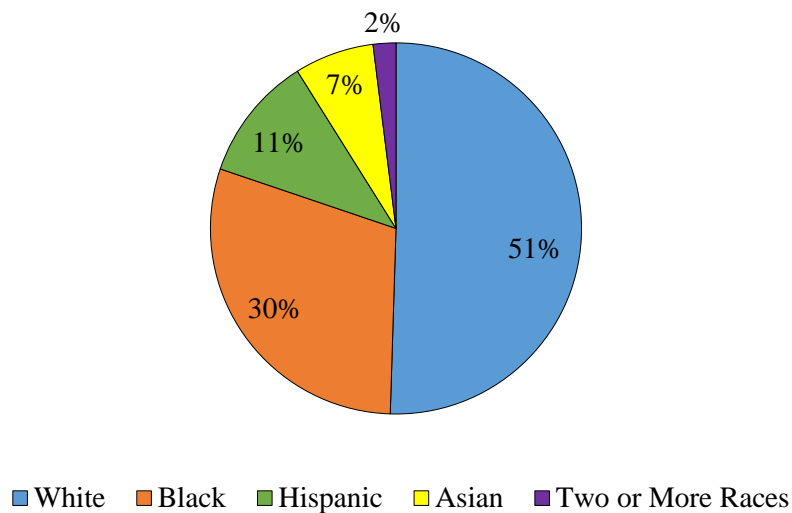
As noted above, under the bill, a police officer may not enforce the specified offenses as a primary action. There is no readily available data to estimate how many fewer traffic stops will occur or how many fewer traffic citations will be issued as a result of the bill's restrictions. According to data provided by the Judiciary, in fiscal 2025, a total of 45,388 citations were issued for violations that the bill would restrict to secondary enforcement. Driving or allowing an unregistered vehicle to be driven and improperly displaying registration plates or tabs accounted for 81% 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.

Exhibit 1
Maryland's Age 16+ Driving Population
2023



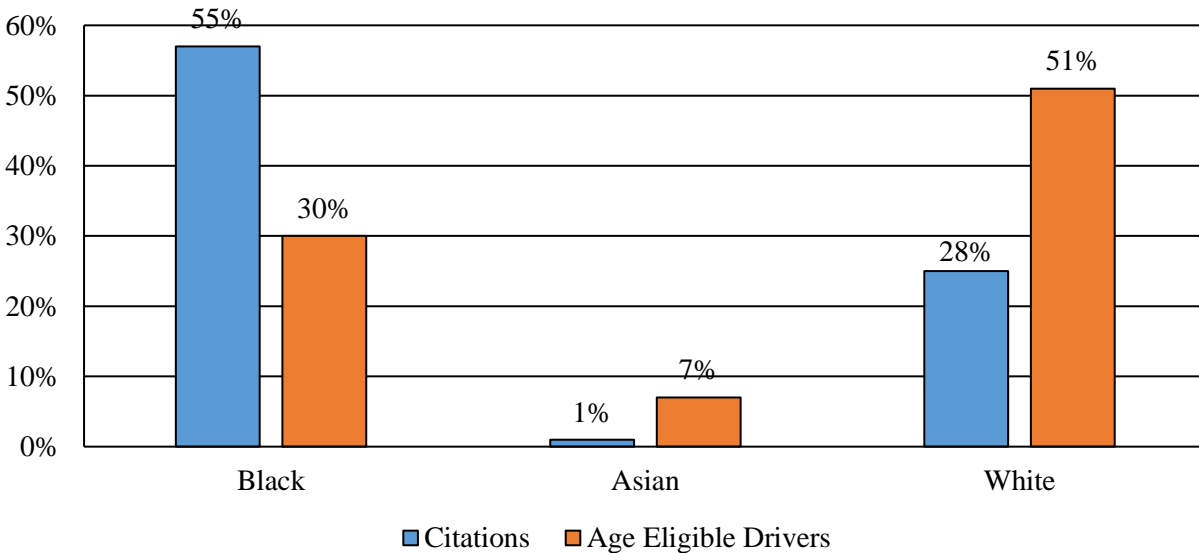
Note: Numbers may not sum to total due to rounding.

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

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 the percentage of 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, 55% were issued to Black drivers, 28% to white drivers, and 1% to Asian drivers. The racial group for approximately 16% of drivers was recorded as unknown or other.

Exhibit 2
District Court Data for Specified
Traffic Offense Citations
2024



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

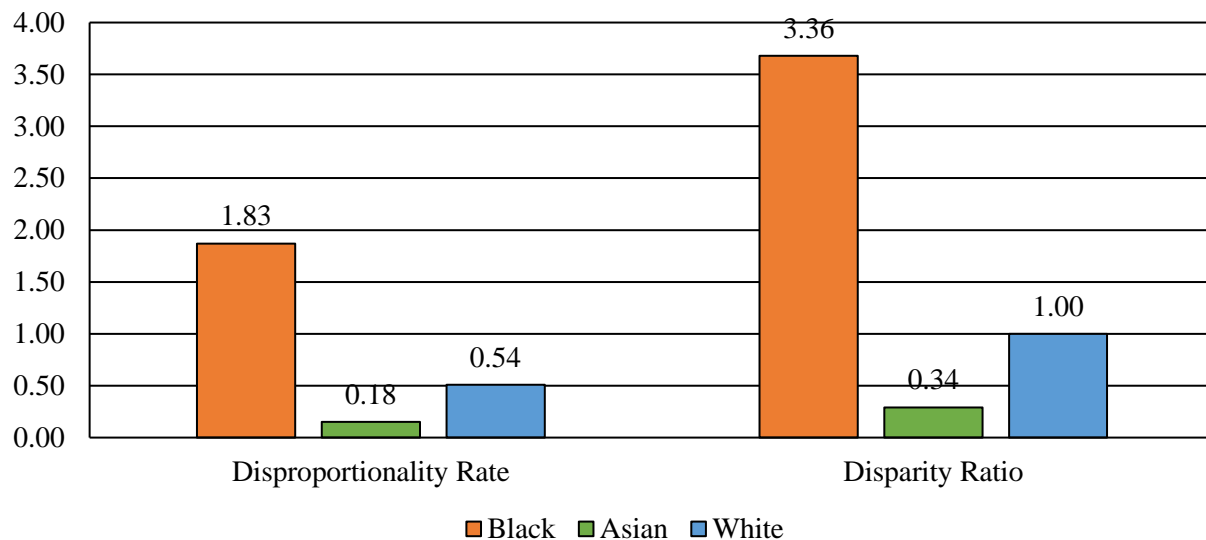
As shown in Exhibit 2, Black drivers are overrepresented as recipients of the traffic citations slated for secondary enforcement under the bill. The remaining citations issued to white and Asian drivers were lower than their respective proportions of the driving population in the State.

Racial Disproportionality and Disparity Ratios for Traffic Offense Citations

Exhibit 3 demonstrates the racial disproportionality and disparity evident in citations issued for the specified violations identified by the bill. The disproportionality rate for Black drivers is 1.83, which means that Black drivers are nearly twice as likely to be issued a traffic citation for the specified violations as would be expected given their proportion of the State’s driving population. White and Asian drivers have disproportionality ratios of 0.54 and 0.18, 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 3.36, indicating that Black drivers are more than three times as likely as white drivers to receive a traffic citation for offenses subject to the bill. Asian drivers have a disparity ratio of 0.34, which means these individuals are much less likely to be issued a traffic citation compared to white drivers.

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

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

During 2024, approximately 22,824 traffic citations issued for the specified violations were recorded as guilty by the Judiciary. Of the citations with guilty dispositions, 19,843 or 87%, 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 47% 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, 44% were prepaid compared to white drivers, who prepaid at a rate of 65%. While the causes of the lower prepayment rate for Black drivers are 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 judgment, 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.

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 traffic violations addressed by the bill.

While the available 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 the full impacts. This includes data regarding secondary versus primary enforcement, failure to appear, license suspensions, and points assessments.

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

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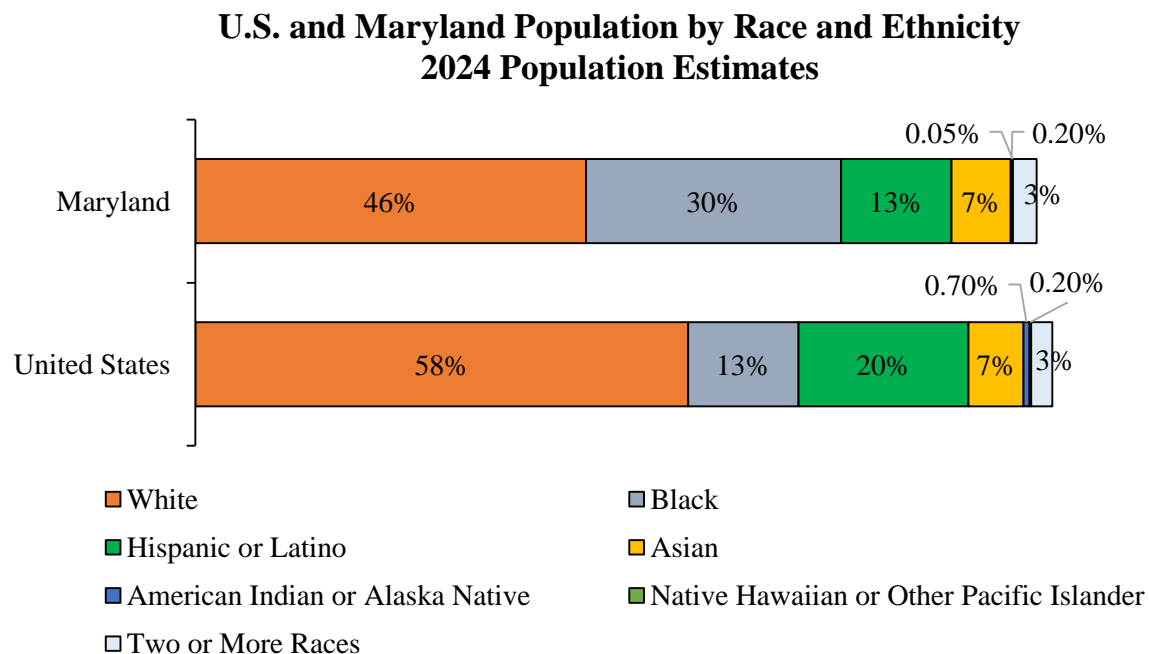
Appendix – Maryland Demographics

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. Maryland remains one of the most racially and ethnically diverse states in the nation and is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). While no single racial or ethnic group constitutes a majority, racial minorities as a group constitute a majority of the State’s population. This diversity underpins the analytical framework used in racial equity impact notes (REIN), which seek to identify potential disparities that may be exacerbated or created by proposed criminal justice legislation.

Methodology Update

Beginning in 2025, REIN will use annual population estimates from the U.S. Census Bureau’s Population Estimates Program (PEP) as the basis for disparity and disproportionality calculations. This methodological update reflects best practices in demographic analysis, as PEP data incorporate births, deaths, and migration to provide the most current population counts between censuses. Although the estimates are more temporally responsive, they do not materially change the proportionate racial and ethnic breakdown observed in the 2020 census. Instead, they conservatively reflect population changes since 2020 while preserving the overall demographic composition of the State.



Note: Percentages do not total 100% due to rounding.

Source: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2024 (NC-EST2024-SR11H) and (SC-EST2024-SR11H-24)