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Education, Health, and  
Environmental Affairs Committee

Chair, Joint Committee on  
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**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB173 - Driver's Licenses Confiscated for Real ID Compliance - Failure to Possess or Display**

January 28th, 2020

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

I am pleased to present Senate Bill 173. This bill would create an exemption to State law for individuals driving without a license, if that license has been confiscated in the previous 90 days for failure to submit REAL ID documentation.

I would like to illustrate the problem with an example. Imagine you are driving home at night and you get pulled over. Unfortunately, the police officer informs you that your left rear tail light is out. Then, the police officer takes a closer look at your license and tells you that your REAL ID is not in compliance. You apologize, having no idea that your real ID was out of compliance, and promise to go to the DMV this week. However, this happens after October 1st of this year. The police officer then informs you that he/she has been instructed to confiscate your ID, and takes it away. You are flabbergasted! Stunned you wonder - now how am I to drive away from this police officer without a license, without breaking the law? Even worse, a week later you are pulled over again for the same broken tail light, but this time the officer involved also finds that you are driving without a valid license and cannot present your license upon request. Now, what should have been a simple trip to the MVA has turned into a citation and a possible court date, all because your state issued REAL ID was suddenly out of compliance with Federal law for reasons you don't understand.

This sounds ludicrous, but it's the unfortunate reality we will soon be living in without this bill. For context:

- In October 2017, DHS informed our state that drivers with REAL IDs must have scanned documentation on file with the MVA to be in compliance with federal law.
- This change left over 1 million Marylander's out of compliance, despite being in possession of a state issued REAL ID.
- The MVA and MDOT have been working hard to do outreach and bring people into compliance, but the latest numbers issued in June of last year show 940,000 Marylanders still out of compliance.
- Law enforcement have been instructed to confiscate non-compliant REAL IDs beginning October 1st, 2020, and instruct drivers to return to the MVA as soon as possible.
- After having their licenses, individuals are technically in direct violation of statute if they drive away from that traffic stop, and may be accidentally issued a citation as a result of these events in a subsequent traffic stop.

**SB173 will exempt individuals whose licenses were recalled and confiscated from being in violation of these statutes for 90 days after the confiscation of their license.** It will prevent unnecessary citations and allows an individual the ability to gather and submit their documentation without violating the law. This bill would also bring clarity to law enforcement officers - who have not yet been directed to carry out the confiscation. They will be able to explain with confidence that an individual is not at any risk of violating the law due to the confiscation of their license.

This legislation brings much needed clarity, guidance, and flexibility to a situation that many of our constituents and law enforcement officers will be facing in the upcoming months. For that reason, **I respectfully request a favorable report for SB173.**

Sincerely,



Senator Katie Fry Hester  
Howard and Carroll Counties